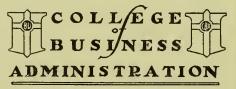


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## THESIS

Internal Operation for Motion Picture Theatre Chains

bу

Lester Goldberg (B.S. Boston University 1946)

submitted in partial fulfillment of the requirements for the degree of

MASTER OF BUSINESS ADMINISTRATION





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#### INTRODUCTION

The management of chain motion picture theatres is a subject about which very little has ever been written. If a person were interested in knowing how the theatre is organized, the personnel trained, the program arranged, the equipment maintained and safety sustained, it would be necessary to find articles on each of these desired subject. It is surprising that there is so little available information for the layman, considering that this industry has such a large capital investment.

Various chains have prepared material for their own exclusive use and have refused to release it for publication. Occasionally, an article will appear on sanitation or advertising in one of the theatre trade journals; this in reality is the main source of public information. The writer has been able to find only three books written on theatre management, and these are comparatively old editions. Since this is a growing industry, the reader should be kept abreast of the actions taking place within the theatre itself.

The writer well realizes the futility of trying to cover each phase of operation in detail, for this could consume many volumes. Instead, an attempt will be made to show some of the problems confronting management and how they are solved. The information for this report has been obtained through direct contact with individuals engaged in the motion picture industry and through personal observations and readings.

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#### CHAPTER I

#### CHAIN THEATRES

#### EARLY THEATRICAL DEVELOPMENT

In order that the progress of motion picture theatres may be appreciated, it would be appropriate to begin by tracing the history of motion pictures in general.

In the year 1888, motion pictures got their start when
Thomas A. Edison purchased the first strip of film developed by
George Eastman. From this very humble start was to develop the
motion picture - today's greatest single sourse of amusement. In
1896, Edison brought out a commercial projector called the Vitascope,
developed by Thomas Armat. On April 23 of that year, the first
public showing of motion pictures was presented in a theatre and was
wildly acclaimed. Empty stores soon became alive with motion pictures.

On April 2, 1902, 2 an empty store next to an arcade on South Main Street in Los Angeles, California, was rented and furnished with screen, chairs, a projection machine, and a few hand-painted signs. In less than fifty years, this method of entertainment has expanded to 19,198 motion picture theatres which are now in operation and during the year 1929 reached a peak of 20,000 theatres.3

During 1906-1907, "nickelodeons" were spread all over the country, but they were only remodeled stores and cannot be dignified with the name "motion picture theatres." The next steps were larger

<sup>1.</sup> Motion Pictures Abroad, U. S. Department of Commerce, January 15, 1939.

<sup>2.</sup> Ibid.

<sup>3.</sup> Ibid.

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stores and further attempts at ugly decorations. They were nothing more than over-seated rooms with meager equipment. The first real structure appeared in 1906 in the Victoria Theatre, Philadelphia. Here the emphasis was on motion pictures rather than on vaudeville, which was much in vogue at this time.

Gradually, legitimate theatres were remodeled into motion picture theatres, but such remodeling was temporary because the photoplay still seemed, even to the most confident, only a fad which did not justify a permanent structure. This attitude, however, may have been due to the early failures of such men as Lauste, Edison and others.

It can be said that tragedy helped build better theatres. The collapse of buildings and their destruction by fire prompted municipal officials to establish very strict regulations for the building of motion picture theatres. As a result, there were noticeable improvements in both construction and design as well as many inventions which enhanced the safety and comfort of patrons. It is interesting to note that in New York City today, of the fifty—two pages devoted to buildings and construction in the Regulation of Building Construction, nine of these pages are devoted exclusively to the theatre.

Until April 6, 1926, motion pictures were silent, and the stories were conveyed to the patrons through the medium of printed captions, pantomime, and action. On this date, the silent movie was given voice, and the first talking and sound picture was

<sup>1.</sup> Ibid.

. the state of the s and the same of th ----.  introduced by Warner Brothers at their own theatre at Broadway and 52nd Street in New York City. This new innovation captured the imagination of the public, and the reaction was tremendous. New life and interest was immediately created, and box-effice receipts rose to new high levels.

Today, the motion picture industry, in terms of its capital invested, is considered as one of the leading industries in the United States. Two billion dollars is given as a conservative estimate of its financial worth.<sup>2</sup>

### THEATRICAL STATISTICS

For further emphasis as to the expansion of theatres,

Exhibit I (Appendix B) presents some interesting statistics regarding:

- 1. Number of theatres and seats
- 2. Average weekly attendance at movie theatres in the United States
- 3. Average admission prices daily
- 4. Annual box-office receipts total net
- 5. Theatre attendance by days of the week.

There was a drop in the number of theatres from 1936 to 1938 by approximately 1,000. This was reversed by 1940 when the 1,000 theatres were reopened as well as an additional 1,000 new theatres. This step down from 1936 to 1938 was reflected in a decrease of 40,000 seats. By 1940 the number of seats lost were regained with a very small increase.

l. Ibid.

<sup>2.</sup> Film Yearbook for 1946, Film Daily Publishing Company, 1501 Broadway, New York, New York, p.9.

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From the daily average admission price, it is possible to note how the cost of amusement has taken an upward turn. From 1934 to 1946, the admission price has risen to 152% of the 1934 admission price.

If a person were to select a night to go to the movie and not worry about getting a seat, it would be advisable to go Monday through Thursday, for on the last three days of the week 60% of the theatre public finds relaxation in the theatre.

In general, there is a seasonal variation in box-office receipts, and the year can be broken into four seasons. The first quarter is from September to November—the receipts are "Fair" and start gaining momentum in late October. During the second quarter, receipts are greatest. The third quarter, March through May, finds the receipts equal to the late fall. The summer months are the least profitable. 1

#### THE THEATRE'S PLACE IN THE COMMUNITY

The popularity of motion pictures can be readily traced to the fact that the public needs relaxation and recreation from its daily problems. In the motion picture theatre the public finds relaxation in the comforts, luxurious surroundings and courteous service extended to them. On the screen they find recreation amidst drama, romance, adventure and comedy. At the theatre, the patron envisions a new world, leaving behind temporarily all cares and werries.

<sup>1.</sup> Botwick, Harry, Former Manager of the State Theatre in Portland, Maine, Personal Interview, 1940-1946.

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The motion picture business has grown because it has filled a need, namely, good entertainment, at a price within the reach of the masses. Entertainment is the everyday necessity of modern life. The motion picture screen is the medium through which the majority of the public finds its entertainment.

The motion picture has brought to millions entertainment that was enjoyed at one time only by those who lived in large cities. Through the medium of the motion picture film, today, the smallest towns may enjoy the voices and pictures of the greatest stage and screen stars. The big musical shows of Broadway soon are reproduced on the screen, shown on every Main Street theatre's screen throughout the country.

The motion picture business is one that does not sell the same ware every day. It is a business of dealing with the likes and dislikes of the public: drama, romance, adventure, and comedy are the products for sale. The picture of today will not be the picture of tomorrow. Every change of program brings new interests, new problems and new selling angles. No other business can have such fascination and such variety. It is a business that knows no monotony.

The motion picture business today has emerged from its days of infancy and is one of the foremost industries of the present day. In the amazing growth of the motion picture industry, no branch of it has shown greater progress than that of its theatres. During 1946, this country's 17,000 movie houses collected an average of 98,000,000 paid admissions every week. The business end of the

<sup>1.</sup> Film Yearbook for 1946, Film Daily Publishing Company, 1501 Broadway, New York, New York, p. 9.

motion picture industry is to be found in the box-office. Other interesting figures show that the American public spends more than 22,000 years a week<sup>1</sup> in its favorite movie houses.

CHAIN THEATRES

The number of theatres owned by producer-distributors is not impressive. Of a total of 17,000 theatres in operation, the major producer-distributors own or control about 2,800.<sup>2</sup> While these theatres represent but 16% of all theatres in operation, they take on additional significance when it is noted that more than 80% of all metropolitan first-run theatres are affiliated.<sup>3</sup>

A metropolitan theatre is defined as a theatre located in a key city. A key city is one of such size and strategic location that the first run exhibition of a motion picture therein effectively advertises the film among the exhibitors and the public in a wide surrounding area. Thirty-one such cities constitute the main distributing centers of the major companies. A first run theatre is one which exhibits first class features released by one or more of the majors on a first run showing in the city or town in which it is located. An affiliated theatre is one which is either owned or controlled by one of the five major producer-distributor exhibitor companies.

By control of first-run theatres alone, affiliated exhibitors have been able to secure as much as two-thirds of the total theatre admissions paid in cities as large as 25,000. More important than the percentages of theatres owned is the seating capacity represented therein, estimated at about 25% of the total seating capacity in the United States.

l. Ibid.

<sup>2.</sup> United States vs. Paramount Pictures, Inc., et al. Civil Action
No. 87-273. District Court of the U. S. for the Southern District
of New York. Amended and Supplemental Complaint. November 14, 1940.

<sup>3.</sup> Ibid.

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When one considers the significant place which chain theatres have come to occupy in the field of exhibition, it is quite natural to expect that the problems involved in the management of these chains should create difficulties of first importance. Unless there can be developed a practical and efficient system of management for chains of theatres, they cannot be expected to serve the purpose for which they were created.

For practical purposes, all of the chains built a substantial number of their theatres. Some of these mbuildings housed only theatres; others included stores; and still others included offices or hotels, or both. In many instances, theatres were financed and controlled by subsidiary holding companies or specially-formed real estate companies.

Of the chains owned by producers, some were incorporated as integral parts of their parent companies. Others were developed as wholly or partially-owned subsidiaries, or as separate corporate entities, the stock of which was held in part or in total by the parent company. The chains were financed by the earnings of the parent companies, by the exchange of securities either under a guaranteed future price or on the basis of the market price as or a given date, through the issue of securities by a new or separate corporation and by various other methods.

The task of forming these chains involved numerous difficult problems. Mention of only a few of these—choosing sites for theatres, financing theatre construction, renting extra space in the theatre buildings, settling legal questions—need be made to indicate the complexity of the whole task facing those who were responsible

 for the larger problems of management.

"For a number of reasons there has been created a rather chaotic condition in the chain theatre field. With some companies, apparently the only plan that existed was a decision to buy theatres wherever they could be acquired. How many theatres could be operated profitably under any plan of management, whether the theatres best adapted to their use were large or small, whether or not they could be concentrated in any particular geographic area, or why they should be purchased at all were points on which there did not appear to be always a well-thought-out program."

types of chain theatres; those which are independently controlled and those controlled by producer-distributors. The independently controlled chains include regional and local groups, the local groups often consisting of but few units per circuit. Geographically, independent theatres are well diversified, but they are predominate in the small communities. The second general class of chain theatres, those controlled by producer-distributors, include practically all the major national organizations.

From the standpoint of organization, all national chains, although not identical in all respects, are generally the same. The country is divided into divisions, districts, and local zones or cities. Groups do not always follow the same geographical lines; instead, each circuit arranges its own groups to suit its particular needs.

After a company has faced these problems of expansion and has acquired its theatres, it is then confronted with the problems

<sup>1.</sup> Lewis, Howard T., The Motion Picture Industry, D. Van Nostrand Company, Inc., New York, 1933, p. 336.

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of theatre management. One of the most important of these, and one to which due attention is not always given, is the securing of capable theatre managers. Experience in other fields has indicated that it is likely to prove rather groundless to hope that a former owner of a store will prove to be a satisfactory operator of the unit under new management. The former owners frequently are in no mood to cooperate with new policies, nor are they of the temperament which renders them capable of working well under the direction of someone else.

The management of a national theatre chain is a very difficult task. During the first stages of chain development, the problem was not very complex; one or two efficient managers could supervise the activities of local or regional chains without much difficulty. Gradually with the acquisition of more units and the tendency to reach into all sections of the country, the problem of operation became much more difficult and especially complex during the period which followed the advent of sound.

Quite naturally, the operators of these large chains which had sprung up very rapidly turned first to highly centralized forms of management. The belief was prevalent that motion picture theatre operation could be made as mechanical as that of many of the chain grovery stores and that substantial economies would result therefrom. There was a desire to profit from concentrated purchasing power both in tangible materials and in films. In addition, the usual chain operating economies were anticipated.

There were naturally other factors which tended to stimulate the development of centralized management. One was the lack

. . The second secon the state of the s and the second s . The state of the · A STATE OF THE S , are in the real and and artificial the same of the last of the la of adequate dependable manpower. With the choice of personnel which could not be depended upon or which was considered incapable of exercising sound judgment, major executives assumed the responsibility for the direction of every move made by the theatre employees within their organization. The degree of standardization which theatre employees were presumed to perform was in some cases almost unvelievable to one not familiar with the facts.

There was probably some justification for this in a period of transition. During such a period, large measures of centralized control are defensible, at least up to the point where major policies are to be made and recognized. Certainly, the theatre field was not unique in this respect, and probably stress upon centralization was the natural thing to expect.

In an attempt to meet this situation, some companies, such as Paramount Publix, have established theatre managers' training schools. There was one such school in New England, but it has been closed for over ten years. In general, the managers for the theatres of chain units have been recruited from the company's own employees and from rival theatre-operating companies. When it became apparent that these sources were incapable of supplying a sufficient number of the proper type of men, the establishment of managers' training school was started. The merits and advantages of such schools will not be discussed at this time.

It is to be noted, however, that during the period following the introduction of sound films, theatre operation, although not satisfactory, did not constitute an issue of immediate

importance. The public apparently attended the theatre in large numbers regardless of the quality of the film shown, provided that it was an "all talkie". Attendance increased from 50% to 100%; I midnight shows and the showing of from five to seven programs daily with fromm three to five full houses were not uncommon. Individual theatres and small circuits acquired by the large chains returned substantial profits with little or no promotional effort.

The depression which began with the market crash of October 1929 did not at first affect motion picture theatre attendance. However, box-office receipts began to decrease later, in some cases starting in the winter of 1930 and in others, not until the middle of 1931.<sup>2</sup> This decrease was caused largely by an influx of low-quality pictures and by the diminishing novelty value of sound films.<sup>3</sup> It was noticed that in spite of the decrease in total box-office receipts, pictures of more than average merit still caused theatre patrons to fill the theatres in all sections of the country.

At first the chains asked their affiliated producers for improved products; then they started to analyze their own organization. With losses ranging upward to \$500,000 per week4 in a single chain, it became imperative to take steps to effect savings wherever possible and to make every effort to increase theatre attendance. Consideration was given to the reduction of operating charges, and as a result of experimentation in this respect, substantial savings were affected.

Of single importance was the attempt made by two of the chains to

1. Ibid, p. 336

<sup>2.</sup> Motion Pictures Abroad, U. S. Department of Commerce, January 15, 1939.

<sup>3.</sup> Ibid,

<sup>4.</sup> Ibid.

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classify pictures according to types of audience. Almost every chain made an attempt to acquire circuit rights for individual pictures and franchise agreements covering producers' entire outputs.

Despite these devices, chains operating on a national scale failed to earn adequate returns on their investments. A number of factors contributed to this lack of success. It is likely that unreasonably high prices had been paid for acquired theatres, and the cost of constructing new theatres had been excessive. Many centers and districts were over-seated. In a very large number of theatres, in which high investments had been placed, it was thought necessary to present elaborate programs. These programs naturally increased operating costs.

Another important reason for the failure of chains to operate at a profit was the increased cost of theatre operation which came with the advent of sound. This increase resulted from amortization and service charges on sound equipment and from increased rental charges for sound films, both features and short subjects.

In addition, there seemed to be a lack of men with adequate managerial ability. Also, the large chains seemed unable to compete favorably with independent operators of small houses, especially second and subsequent run theatres. Finally, because of the centralized forms of management there was too much standardization in product, in personnel, and in plan of operation.

Harold B. Franklin, recognized as one of the leading authorities on circuit theatre management, believes that theatre chains will be successful in the future but holds that they should

<sup>1.</sup> Ibid.

To the state of th -----\_\_\_\_\_ the same of the sa · III oc I \_\_\_\_\_  not continue to be controlled by producer-distributor. It should be recalled that at the beginning of the section on <u>Chains</u>, 2,800 of the 17,000 theatres are owned by producer-distributors.

The Publix Theatre Corporation was the first circuit to make drastic chamges in organization and operation as a means of meeting existing conditions. The company, first of all, took steps to alleviate most of the burdensome clerical duties that theatre managers had been forced to perform. Under the new policy, managers were to concentrate all thought upon seeing that proper pictures were shown in the right houses on appropriate days. There was to be more individual responsibility and more latitude in the exercise of ingenuity than had theretofore been granted.

It was intended that institutional selling should not be over-emphasized, and that over-standardization should be checked.

The securing of the proper type of personnel would be considered first at all times. In selecting managers, the company planned to avoid misfits.

A complete change in the buying and booking department was also effected. Theatre managers were given greater latitude than ever before in the selection of the product.

The mechanics of the selection of product requires that each division manager, with the assistance of the district managers, make up the product requirements both for feature pictures and for short subjects for the division for one year. The exchange managers would be called upon for assistance in obtaining a better understanding of local conditions. Also, the unit theatre manager would be relied upon for many of the data in regard to local holidays and

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occasions, local ordinances, the assets which determine civic pride in particular localities, facts about competition from various types of amusements, information about competitive theatres, and many other factors. The division managers turned in their requirement lists to the home office, which did the actual buying for all of their theatres in the country, taking advantage of the buying power gained through the purchase of large quantities.

There are many persons who believe that, irrespective of the extent to which decentralization of control of theatre operations may be carried with reference to larger theatres, chain operation of neighborhood theatres, if successful at all, must be under some decentralized form of control. Supporting this belief are several arguments. One of these is experience. Furthermore, it is contended that in the main a neighborhood theatre, being a local house, must appeal to its clientele; in other words, it must be an intimate part of the community. The interest of such houses in local affairs, the personal acquaintanceship of the manager with persons in his community, the local prejudices, and local events of interest, must be known. Pictures must be selected on the basis of these likes and dislikes. These conditions cannot be adequately provided by central control.

There is a third reason why it is believed that the larger chains will not endeavor to control neighborhood operations. This is financial in its character. The larger producer-distributors have perhaps overloaded themselves with first-run and deluxe theatres.

Management expenses have become high. It is difficult for a chain to pass on any substantial share of these costs to the small neighborhood

<sup>1.</sup> Gorman, Leon, P., former manager of the Cameo and Cape theatres, Portland, Maine, Personal Interview, July, 1948.

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house without burdening it with overhead and other charges which become so substantial as to make profitable operation a matter of some difficulty.

Closely accompanying that is a feeling in certain quarters that the financial interests concerned with the industry have come to look with favor upon the sale of certain houses by larger circuits to independent operators. While a part of the reason advanced is the desire to have a strong exhibitor element in the country to combat adverse legislation, there is also the feeling that it is more feasible for an independent exhibitor to run the smaller house than for the larger group to attempt such operation. CHAINS AND INDEPENDENTS COMPARED

Despite the abundant literature on the subject and numerous discussions started since the 1920's, there has been no clear-cut definition of the term chain of chain organization that would be acceptable to all concerned or even to government agencies dealing with data on chains. "A chain or chain organization may be said to consist of two or more centrally owned units, handling, on the same plane of distribution, substantially similar lines of merchandise."1 This definition is in line with that used by the Federal Trade Commission in its reports on chain investigation which it conducted over a period of several years beginning with 1928.2 On the other hand, any one theatre whose policies are determined by a single proprietor or group shall be considered as an independent theatre for the purposes of this report.

Backman, Theodore N. and Maynard, Harold H., Principles of Market-

ing, The Ronald Press Co., New York, p. 167.

Federal Trade Commission, Chain Stores - Scope of Chain Store
Inquiry, U. S. Government Printing Office, 1932, p. 1. 2.

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The central organization of a regular chain has full control over its individual units, assuming full financial responsibility for such units, bears all the loss when a unit is closed and retains all profits made by each theatre, and supplies all initial and operating capital for the unit. In an independent theatre setup the individual theatre owner assumes full financial responsibility for its acts; all profit earned by the theatre is retained by its owner; when a theatre is forced to close its doors it is considered commercially and legally a failure and the total loss is borne by the owner and his creditors; and all capital for the theatre must be supplied by its owner and creditors.

Chain theatres possess the advantages that are common to all large-scale operations. Like the department stores, they have the benefits of specialization and division of labor, the use of experts for various phases of work, extensive departmentalization, financial strength, mass buying power, and intimate contact with the picture markets. There are certain advantages peculiar to the chain method of operation which other large scale theatres do not share at all or to the same extent.

# Advantages

Better Location. Chains frequently enjoy advantages in location not only because of the skill which they exercise in selecting sites but because of their financial strength which enables them to secure choice sites. Sites are selected only after the most careful study of general community factors affecting the value of location, such as the industrial and social background of

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the community, local income distribution, local tastes, and the distribution of the population by racial groups. Careful consideration is also given to such factors as the number of people who pass by different locations, and their purpose in passing by.

In order to obtain chosen locations, chains sometimes lease an entire building, subleasing those portions which are not required for their own use. Choise of location resulting from financial strength gives them inherent advantage. While their skill in selecting locations can be matched by their independent competitors, in actual practice this is not a common achievement.

Low Operating Costs. Principal operating savings are effected by chain theatres in the lower wages and salaries which are sometimes paid to employees, the smaller inventories carried, and the more limited services that are rendered as compared with the independents.

Advertising Advantages. Where chains are competing with neighborhood independent theatres, they have marked advertising advantages. For example, a theatre chain organization with several of its units located in various sections of a city can afford to use newspaper advertising space or the radio. Independent neighborhood theatres, with their localized markets, cannot afford to do newspaper advertising or to broadcast over the radio, since their places of business would be relatively inaccessible to most readers or listeners.

In certain instances pictures contracted for at the main office are listed under two classifications - required pictures and optional pictures. Local managers are required to order the required

Deliver and the second second .  pictures but may use their own judgment in selecting pictures from the optional list.

Personnel Limitation. Like other large-scale organizations, chain theatres suffer disadvantages in the lack of personal contact between their management and the public. It is probable that the problem of personnel constitutes the major obstacle to chain theatre growth, and that the outstanding advantage of the independent theatre lies in the contacts between the proprietor and his customers. Chains are attempting to meet these difficulties by the careful selection of employees, and by well-organized training systems. For example, in Portland, Maine, a chain theatre manager stated that for charity shows for the community, the independent theatre is more willing to give the free use of the theatre than is the chain. In the case of the chain, there is too much "red tape" that must be broken before action can be taken.

Public Opinion and the Chain. For a number of years many attempts were made to limit the growth of chains by arousing consumer sentiment against them. Led by some so-called representative organizations of independents and by individuals who perhaps saw an opportunity to further their own interests, many statements were made in the public press, over the radio, and in public meetings which were designed to induce the public to patronize independent theatres rahter than chains.2

Arguments were presented to the effect that the independent theatre owner, who lives and does his business in the home city,

<sup>1.</sup> Young, Leo, former manager of Strand and Empire Theatres, Portland, Maine, Personal Interview, June, 1945.

<sup>2.</sup> Beckman, Theodore N. and Maynard, Harold H., Principles of Marketing, The Ronald Press Co., New York, p. 181.

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deserves patronage rather than the foreign-owned chain. It was alleged that chains take money out of town, fail to patronize local business, pay low wages, destroy opportunities for young men to enter business for themselves, do not bear their share of the local tax burden, destroy small business, and tend toward monopoly.1

Most of the allegations cited are obviously unfounded. All of them have nevertheless influenced public opinion to some degree.

Experimentation. Chains operating a considerable number of units can often undertake experiments which could not be made without great risk by their competitors, the independent theatres. For example, services, displays, theatre arrangements and other matters can be used in formulating the practices and policies of all the theatre units. The independent competitor, operating a single theatre, must make such experiments at great risk because resulting losses cannot be supported as in the case of the chain by profitable operations in the other chain units.

Risk Distribution and Competitive Superiority. The wide territorial distribution of the various units of many chains reduces their risks, since a lack of local prosperity and a decline in sales or profits in one theatre may be offset by corresponding profits in another section and in other theatres.

## Disadvantages

Concentrated Buying. The chain theatre practice of concentrating buying in a central office results in considerable difficulty at times. It is difficult indeed for the central office to determine accurately the picture needs of the individual units, which may vary

l. Ibid.

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with local tastes. The separation of purchase from the sales of goods makes it difficult to place responsibility for unsatisfactory results. Independent theatres combine the responsibility for both purchase and sale, since they believe that the contact with the buying public is very valuable in determining what should be bought. If the picture buyer is also the proprietor of the independent theatre or has important financial interest in the business, he has additional incentive to push the sale of the picture he has purchased. In the case of chains, an attempt is made to meet the variations in consumer tastes and to increase the selling responsibility of the individual theatre manager by giving him certain freedom in the selection of the pictures.

It can thus be seen that the advantages of the chains theatres are disadvantages to the independent theatres; and the disadvantages of the chains are advantages to the independent theatre.

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#### CHAPTER II

### OPERATION AND PERSONNEL - PART I

#### ORGANIZATION OF THE PICTURE INDUSTRY

The motion picture industry may be divided into three major aspects—production, distribution and exhibition. Production may be said to cover all the steps up to and including the completion of the right number of positive prints. Distribution activities relate to the rental of films to exhibitors, the "dating in" of the pictures, the physical distribution of the films, and the collection of the amounts due. The phase of interest in this thesis, exhibition, relates to the problem of securing films and the various problems of theatre management.

The relationship between the distributor and the theatre exhibiting the films naturally raises a series of very important and crucial issues. However, these problems center around the selection of pictures, price, terms of sale, dating and, important as these problems are, they will be mentioned as functions of the film buyers, since the interest now is only in gaining a picture of the structure of the industry itself.

At this time, it is only necessary to indicate briefly the typical theatre organization, in order that some idea may be gained as to the requirements to be met in the successful management of a theatre. In general these may be classified in two main groups: those relating to the service and business end of the theatre, and those relating to what may be termed the "back of the house," including those factors pertaining to the entertainment, such as

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musicians, stage hands, projectionists, and performers. A typical large theatre may operate with as many as ten departments, namely, Manager's Office, Service Department, Maintenance, Housekeeping, Engineering, Production, Projection, Musical, Advertising, and Accounting.

### THEATRE ORGANIZATION

The organization chart, (Exhibit II) indicates somewhat definitely the relationship between these various departments.

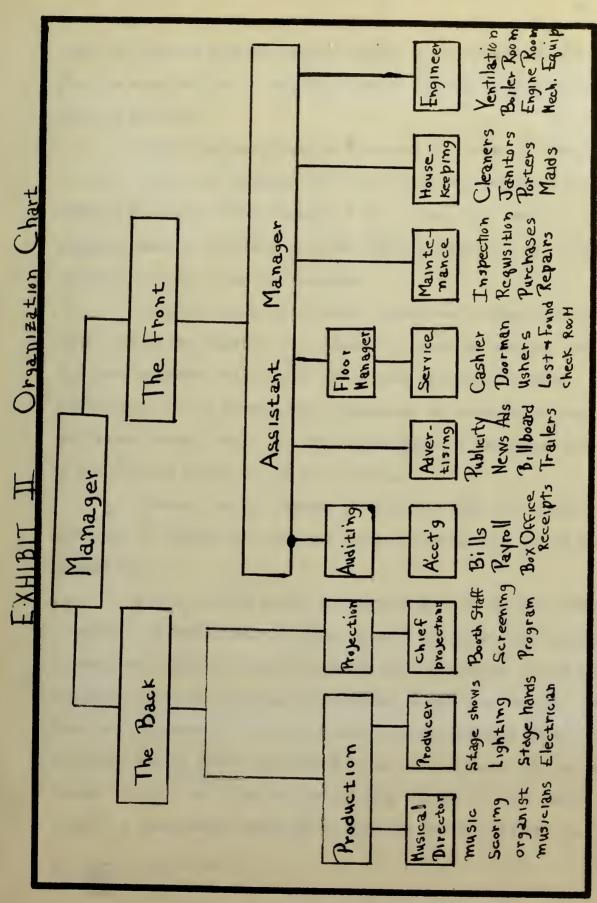
Ever since the development of chains of theatres, the problems involving the degree of centralization of control has caused a great deal of concern. In order to have a reasonably complete picture of the relationship existing between distribution and exhibition, it is important to understand the procedure by which a theatre chain procures its pictures. Here again, the degree of centralization of authority is a very real issue that has not always been met in the same way by various companies, nor has the same company always followed the same procedure. An illustration of the procedures actually followed is necessary.

In 1929, the Fox Theatre Corporation established a buyer in New York City to purchase motion pictures for all Fox theatres. Before that time, the function had been decentralized, in some cases being delegated to various division offices of the Fox Theatre Corporation and in others to the unit theatre managements.

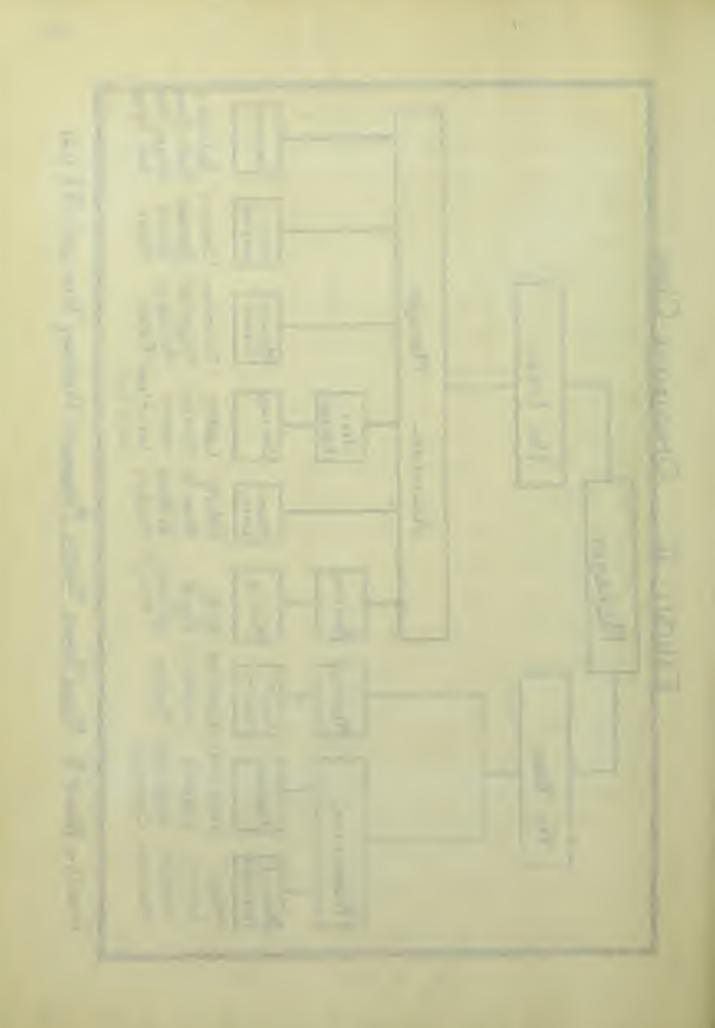
The Corporation divided its theatres into five divisions, each group operating under the control of a division manager.

<sup>1.</sup> Franklin, Harold B., Motion Picture Theatre Management, Doubleday, Doran & Company, New York, 1927, p. 20.

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Franklin, Harold B., Motion Reture Theatre Management, Doubleday, Doran and Co, N. Y. p. 21.



Individual theatre managers were to operate under the supervision of district managers, who in turn would report directly to their respective division managers.

Before the appointment of a general film buyer for the Fox theatres, films were purchased by the unit theatre managers or their buyers. Divisional sales managers of the various distributing companies usually negotiated with the division buyers for the sale of their pictures to the Fox theatres.

If an agreement were reached between the salesman and the buyer, the seller submitted the proposal to his sales manager, and the buyer submitted the proposal to the theatre division manager. If satisfactory to both parties, the transaction was consummated, and the project turned over to the various exchanges of the seller and to the division booker for the Fox Theatre.<sup>2</sup>

Although the Fox Theatres have changed name, the general procedure is followed by other such chains including many in the New England area.

A major problem facing the movie manager is for his audience to return. No theatre is playing to capacity with every seat occupied at every performance. Only a relatively small percentage of the vast potential patronage of motion picture theatres has been secured. On what does the increase of motion picture theatre patronage depend? It depends mainly on the improvement of the theatre operation, because theatre managers are in direct contact with the public. The usual excuse for unsuccessful patronage is that the movies available are

<sup>1.</sup> Ibid. p. 22.

<sup>2. &</sup>lt;u>Ibid</u>. p. 23.

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EXHIBIC III
Breaking the Tape



inferior. Why does the very same program shown in two different theatres in the same geographic area attract a small audience in one and a large audience at the other? The difference is that in one theatre the show was effectively merchandised, and in the other it was not. In one case, improved methods of theatre operation prevailed; while in the other, the operation was defective.

The manager is the most important element in the theatre and is the heart of the theatre. The manager has certain specific duties-to plan, to make decisions, to select capable assistants, to inspire a spirit of loyalty among his staff, and to strive to make his theatre a public institution. His place is not at a desk but in the theatre. He should circulate among the patrons with eyes and ears wide open for significant reactions. He should be personally available during the time of peak attendance loads to see that all functions smoothly. Where the patron's interest is limited by a single performance, where the outlook of some subordinate is but a week or two in advance, it must fall to the manager to be a reader of the coming events and to prepare for or against them. It is the combination of experience and foresight that fits the manager for his chief function—the making of decisions pertaining to important questions. This responsibility is not to be delegated. Routine may be left in the hands of trusted employees when such is necessary, but policy can originate only from the top. The manager must be a man who can handle employees as well as patrons, expenses as well as receipts. Every element of the organization is an extension of the manager's policy and himself; not for self-glorification, but for success. Theatres are operated for profit, and that depends on two

The second secon to the late of the \_ the second secon  things: increasing receipts and cutting down expenses. It is a poor business policy to spend ten dollars to save eight dollars.

It can readily be seen that routine would consume all of the manager's time and would detract from his executive functions. In large theatres it is necessary to delegate certain supervisory functions to heads of departments. Unforeseen occurrences may require executive attention, but the routine procedure can be handled by subordinates. It is essential that the manager chose his department heads with care. They are employees with definite duties, and they must be steady, loyal and active.

Fox West Coast Theatres have prescribed the following rules as "musts" | for house managers:

- 1. It is the manager's duty to merchandise his picture, operate his business in the proper manner, and establish and maintain an efficient and courteous service staff.
- 2. A manager must be at his theatre at least one-half hour before opening time, open and close the theatre, and be on the floor during hours the theatre is open. In theatres which have continuous shows, while the manager is away for dinner, the assistant or head usher will assume charge of the floor until the manager returns which should be no later than 7 p.m.
- 3. Managers will set the example in neatness of appearance—dark clothes or tuxedo during the winter months; light coat and proper apparel during the summer months. White shirt should be worn at all times. Keep your shoes shined at all times.
- 4. Be clean shaven. Nothing will mar your appearance more than poor kept teeth. A bad breath is offensive to anyone and most of all to your patrons. If you must eat vegetables or other food with an objectionable odor, never do it before going on duty at the theatre.

<sup>1.</sup> Fox West Goast Theatres, Inc., Code of Rules.

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5. Set the proper example for your employees in your own dealings with patrons and citizens of your community.

Capable employees are always ambitious, and evidence must be given them that deserved promotions will be made as often as opportunities are afforded. The employees should realize that they are serving a worthy cause in furnishing entertainment, recreation and amusement to a world in which cares and troubles are prevalent. Theatre employees must make material gains and find personal satisfaction; but they must also have an inherent love for the theatre and a willingness to work hard for long hours while others play.

The personnel of a theatre can be regarded as a football team with the manager as the quarterback. He must have capable men for every position. Then he must make known clearly what he wants done.

Efficiency depends on the employees' having the same idea of the task at hand as the manager. Careful outlining of a plan may take a little more time at the beginning, but it is a great economizer of hours over a long period. Whenever possible, instructions as well as plans should be written.

A good executive is a good teacher. As an instructor the theatre manager may be merely satisfied with his pupils or he may be proud of them. In the latter case, the effort will be well rewarded in many ways.

## The Staff

The staff should be carefully selected, trained and diligently supervised. Every theatre presents a different problem. Such details

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as selecting, training, and promoting of employees; salaries; floor positions of the staff; reliefs; uniforms; and hours and signal systems must be considered in light of the theatre conditions.

Every difference of opinion should be adjusted to the full satisfaction of the patron. An argumentative, stubborn personality has no place in the theatre. The habit of dealing courteously with patrons is developed only by constant practice.

Not individual effort, but teamwork of the entire staff, brings the best results. This team work is based on loyalty and devotion to the welfare of the theatre. Teamwork depends on the manager's qualities of leadership and his willingness to accept criticism and complaints. The goodwill and success of the theatre is a matter of personal pride.

The Cashier. The cashier is a very important member of the staff. Her attitude can very definitely determine the frame of mind in which the patrons enter the theatre. In the final analysis, it is the manager who makes a good cashier. If he appreciates her significance and understands the sales value that her personality can have, he will know that she is worthy of training, with patience if necessary. He will try to make her understand that her functions are more important than those of a mere ticket seller. With proper training, she can very definitely help increase gross receipts.

Some suggestions for the cashier are:1

1. Arrange with the manager for an adequate bank, which should be kept in proper change breakdown and be balanced nightly.

<sup>1.</sup> Ashmann, Maurey L., Sparkle - A Seven Letter Word Meaning Well Trained Cashier, Better Theatres, November 16, 1946, p 58.

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- 2. Any pay-cuts should be only on vouchers signed by the manager.
- 3. Keep loose bills off the window shelf.
- 4. Keep your tally sheet neatly and not exposed to idle lookers-in.
- 5. Change and bill wrappers should be kept in an orderly fashion.
- 6. Keep telephone message pad and pencil handy. Delays are irritating.
- 7. Check your ticket numbers, register numbers, tally sheet carefully.
- 8. Don't have loose tickets around.
- 9. Keep personal belongings out of sight.
- 10. Use a tooth brush and cloth to keep the register clean—don't depend wholly on the porter.

The Doorman. Once the ticket is puchased, the next member of the theatre staff that the patron approaches is the doorman. The greeting he extends should make the patron feel that there is a welcome and pleasure waiting within. This is an important post. The doorman must have a pleasing personality and at all times possess tact and patience. Some of the other requisites of a good doorman are:1

- 1. You are a potential theatre manager. Dress the part—act the part—so that when your opportunity comes you can take advantage of it.
- 2. When on duty you are responsible for the cleanliness of the theatre front, lobby, floors, foyer floors, men's rest room. See that proper persons do the work.

<sup>1.</sup> Ricketson, Frank H., The Management of Motion Picture Theatres, McGraw-Hill Book Company, Inc., New York, 1935, p. 132.

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- 3. Be sure to thank your patrons entering or leaving the theatre. Be polite and courteous, and above all, be sure your friendly greetings are enthusiastic and sincere.
- 4. Under no circumstances are you to have unnecessary conversation with the cashier.
- 5. Be sure to tear every ticket in half.
- 6. No one should pass your door without a ticket. Do not visit with friends, or permit anyone to loiter near the theatre entrance.

## The Ushers.

"Correct calculation of time schedules and the proper handling of the crowds during busy week-ends can make the difference of from \$1,000 to \$3,000 in the weekly gross receipts of the average first run theatre."1

Once the patron is inside the theatre, it is the job of the ushers to see that the crowds are properly handled. Efficient ushering is an important factor for the success of any theatre, for patrons depend very much on ushers. Efficient ushering does not appear by chance; it requires constant training and careful supervision.

The showman's motto must be kept in mind at all times by
the ushers. "Keep 'em moving; keep 'em moving and they won't ask for
refunds. Keep 'em moving and they'll be happy, not restless. Keep
'em moving and watch how your receipts grow."

The ushers, it can be seen, are important in "feeding" and "emptying" of a theatre. How good they are at this particular job is a reflection of the thoroughness with which they have been trained by the chief of staff or the manager.

<sup>1.</sup> Ibid.

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EXHIBIT IV
DRILLING IN CUSTOMER COURTESY



A few requisites for the usher which lead to good service

- 1. The head usherette should inspect the ladies room every thirty minutes.
- 2. Be careful in your treatment of all patrons and extend friendly welcome to your patrons both leaving and entering the theatre and extend courteous service.
- 3. Be enthusiastic in caring for the comforts and wants of your patrons.
- 4. Never use a flashlight in such a manner that it will attract attention of the patrons and detract from what is happening on the screen. Keep the flashlight pointed to the floor at all times.
- 5. Noisy babies are a problem, and you must be very diplomatic but yet accomplish your purpose in quieting such disturbances without offending anyone.
- 6. Know your hand signals and use them so that your work can be accomplished with no disturbance what-soever.
- 7. Know what to do in case of emergency.
- 8. Report immediately to manager defective sound, defective light on screen, poor ventilation, insufficient heat, petting parties.
- 9. Do not visit with friends or allow them to loiter near your station.

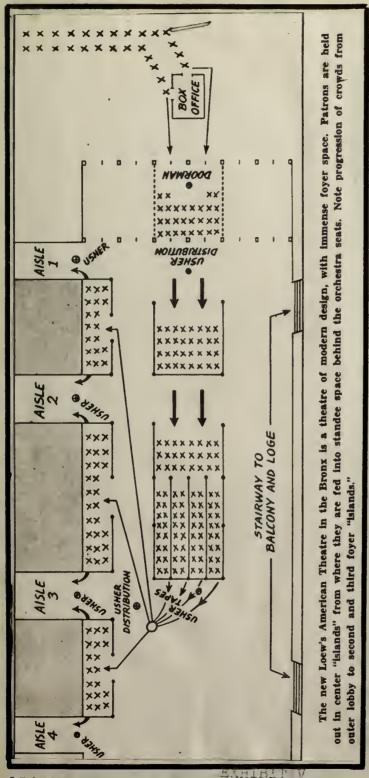
It may be seen, therefore, from the diagram (Exhibit V) that the efficient handling of crowds of theatre patrons is dependent upon a closely integrated theatre staff.

### Staff Club.

A means for achieving efficient theatre organization is through a staff club. These meetings are usually held once a week at the most convenient time to everyone, at which time each member of the

<sup>1.</sup> Ibid.

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1BCXCFFICE, October 12,1946.p. 50

theatre is regarded as a member. Meetings are usually informal; membership is voluntary, and the organization is for the benefit of the theatre as well as for the social and personal welfare of the employees.

The manager is always present, but the meeting is presided over by the president of the theatre club, who is chosen by the employees. The meeting proceeds on an informal basis, and the theatre and its problems are discussed. Often experts are invited to speak on subjects of theatre interest: such as safety, employees' insurance, or even theatre ventilation.

The manager tells his staff of the schedule of attractions for the coming month, as well as some of his plans and exploitation ideas. The staff offers suggestions and criticisms and discusses comments heard from patrons. The manager gets a "bird's eye" view of his operation.

The quality of the staff club is determined by the rules which the members themselves propose and adopt. The following is a typical list of such rules as adopted by one theatre.

The employee should remember that every patron is his guest.

- 1. Do not chew gum on duty.
- 2. Take pride in your appearance both on and off duty.
- 3. Remember that you represent the theatre where you are employed and the company you work for at all times, whether on or off duty, and conduct yourself so that it can be proud of you.

<sup>1.</sup> Fox West Coast Theatres, Code of Rules.

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- 4. List comments from anyone in your theatre and report them to the manager.
- 5. Never raise your voice—always speak softly and courteously.
- 6. Study your hand signals and perfect them so that seating may be accomplished rapidly and without confusion.
- 7. Handle all routine, exchange tickets in the proper manner so that there can be no question about your honesty.
- 8. Be thoroughly familiar with the current program playing in your theatre and the timing of each feature or short subject.

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#### CHAPTER III

### OPERATION AND PERSONNEL - PART II

# The Booth and Operators

There was a time when audiences were not critical of projection; as long as the picture reached the screen, they seemed satisfied. Today, audiences know and appreciate good projection.

They may not walk out on poor projection, but they avoid the theatre in which it is permitted. Many times the writer has been in theatres when the reflection of the image on the screen became blurry or ceased completely. It is interesting to note that, although this still occurs, the frequency of bad projection has been cut to an absolute minimum. There was one theatre projectionist in a Portland, Maine theatre who went through an entire year, without a single break, loss of light, or faulty change-over in film.

Good projection in many cases is the deciding element which determines patronage at a theatre. It is the responsibility of the theatre manager to supervise this projection.

Rather than talk of the "booth" in general terms, reference is given to a typical booth found in a large chain theatre in Massachusetts. The main difference between booths in Massachusetts and in any other State is determined by the various State Safety Departments. All rules, laws and regulations for Massachusetts theatres are prescrived by the Commonwealth of Massachusetts, Department of Public Safety.<sup>2</sup>

<sup>1.</sup> Waldron, Chelsea, Chief Projectionist, State Theatre, Portland, Maine, Personal Interview, March, 1946.

<sup>2.</sup> Commonwealth of Massachusetts, Department of Public Safety, Laws, Rules and Regulations Governing the Use of Cinematograph and Similar Apparatus for the Exhibition of Motion Pictures.

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The booth, including walls, floors and ceilings is constructed of a fireproof material which is at least four inches thick. It is located so not to obstruct any aisle, passageway or corridor. The approach to the booth is usually by a staircase, but in no case shall this approach be made by ladder.

This typical booth has four rooms - the projection room, the rewind room, the rectifier room, and the toilet room. Each shall be discussed in order.

# The Projection Room.

This room is approximately 13 feet long, 10 feet deep and 9 feet in height.<sup>2</sup> There is a regulation which states that the length of the room must be increased by 4 feet for each additional projection machine.<sup>2</sup> The doors are standard, metal-covered fire doors, hung so as to open outwardly from the room and equipped with heavy springs to keep the doors tightly closed.

The projection room has eight apertures, two for each moving picture machine. Of the two openings for each machine, one is for projection and measures six inches in height by fourteen inches in width, and the other is for the operator, twelve inches in height by eight inches in width.

Ventilation in this room is mechanical by means of a fan, which must be of sufficient size to remove at least 1000 cubic feet of air per minute. A Near the middle of the ceiling there is an opening to which is fixed an iron flange securely fastened to the

<sup>1.</sup> Ibid. Section 5.

<sup>2.</sup> Approximate measurement

<sup>3.</sup> Ibid. Section 12.

<sup>4.</sup> Ibid. Section 12.

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ceiling. To this flange a vent duct is securely fastened which leads to the outside of the building. There is an electric exhaust fan, controlled from within the projection room by a switch located near the entrance door, installed within the duct. There is provided in this room near the floor level a fresh air supply by means of a metal duct. This duct is connected to the outside air and is provided with a regular damper. The outside end is provided with a hood arranged so as to keep out the weather, while the inside end is provided with a mesh screen.

On the wall is a copy of the rules and regulations relating to motion picture booths. (Exhibit VI)

There are four projectors which have been used for the past twenty years with only a minimum of change. It is the opinion of the projectionist<sup>2</sup> that these old machines, if properly taken care of, can give as good service as the newer and more expensive machines. The new machines have certain added features which are helpful but are not necessary; the important thing is not what the machine looks like but what kind of images it casts on the screen. If anything goes wrong with one of these machines, it can be repaired inside of thirty minutes because the machines are built in units. Remove the defective unit and replace it with a good unit. Since these four projectors are manufactured by R. C. A., this company supplies sound service as well as projector service.

<sup>1.</sup> Ibid: Section 12.

<sup>2.</sup> This material of a technical nature was explained to the writer by the chief projectionist at the Kenmore Theatre, Boston, Mass. who wishes his name to be omitted, July, 1948.

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# The Commonwealth of Massachusetts DEPARTMENT OF PUBLIC SAFETY

### RULES AND REGULATIONS

RELATING TO MOTION PICTURE BOOTHS

As required by Chapter 143 of the General Laws, this booth or enclosure has been approved and certified; the operators and assistants have been licensed or have been granted permits. Section 81 of the above chapter carries authority to suspend or revoke a license or permit for cause at any time by an Inspector.

The violation of any of the following rules and regulations will be considered just cause for such suspension or revocation.

- 1. Operators and assistants shall have their licenses or permits in their immediate possession while at work.
- 2. When more than one cinematograph or similar apparatus involving the use of a combustible film more than ten inches in length is used for the continuous exhibition of motion pictures, there shall be two licensed operators in attendance in the booth or enclosure. When only one licensed operator is in attendance, it will be necessary to "black-out" during the process of changing over. While exhibiting motion pictures the operator shall devote his entire time and attention to that work, and shall not leave the operating side of the machine while it is in motion.
- 3. Within twenty-four hours after the occurrence of a fire or accident within the booth, the operator and manager of the exhibition shall separately send a written notice of such fire or accident to the Chief of Inspections, Department of Public Safety, Boston, Massachusetts, and also the Inspector of the district in which the fire or accident occurred.
  - 4. Projectors shall be kept clean, in good mechanical condition, and free from waste oil.
  - 5. Magazine doors on projectors shall be kept closed while machines are in operation.
- 6. No change or alteration in any of the projection equipment or any part thereof shall be made until the Inspector has been notified and his approval obtained.
- 7. No film shall be exposed except those in the process of being transferred to or from the projector or of being rewound.
- 8. Each reel of film shall be kept in a separate metal case or in approved metal cases with separate compartments made without solder and with tightly fitting covers.
- 9. Not more than two thousand feet of film shall be wound on any one reel. The overloading of reels is prohibited.
- 10. Entrance door to the booth shall be kept closed but not locked while the auditorium is occupied by the public.
- 11. The booth shall be kept clean and free from combustible material at all times. A metal can made without solder and with a self-closing cover shall be provided as a receptacle for waste film and other material.
- 12. The exhaust fan shall be kept running and the intake duct open while the projectors are in opcration.
  - 13. All stereoptican, spotlight, and effect machine openings shall be kept closed when not in use.
  - 14. Clothing, if kept in the booth, shall be in steel lockers or cabinets.
- 15. No person shall be allowed within the booth except the owner, manager, operators or assistants employed therein.
- 16. No change or alteration in the booth or enclosure shall be made until the Inspector has been notified and his approval obtained.
- 17. The Inspection Certificate of the booth or enclosure and these Rules and Regulations shall be conspicuously posted therein under glass.
  - 18. SMOKING IS PROHIBITED within this booth or enclosure at any time.

Revised. Filed with the Secretary of the Commonwealth in accordance with the provisions of G.L., C. 30, S. 37, January 15, 1947.

Commissioner



# Rewind Room

and film room. This room is six feet by eight feet by nine feet in height. These are the minimum requirements for this type of room. The construction is similar to that of the projection room: The entrance to this room is by a door from the projection room; this door is a standard fireproof door and must be kept closed at all times. In this room there is a metal rewind bench (Exhibit VII), fitted with hand rewind apparatus and a film storage cabinet located close to the floor level. No other furniture, fixtures, clothing, supplies or apparatus of any description is allowed in this room. In short, this room is not to be used as a store room.

The same rules apply to this room with regard to ventilation as were mentioned when the projection room was discussed.

Rectifier Room

A separate room of sufficient size, not regulated by law, with a fireproof door; and an approved self-closing device for batteries, rectifiers, rheostats and converters is provided within this room. It has separate ventilation and is connected with the projection room.

### Toilet Room

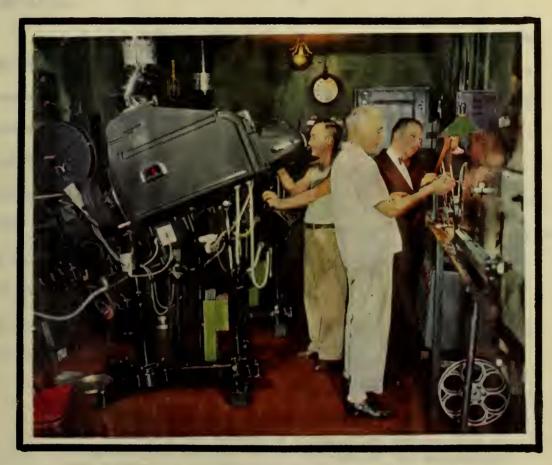
Regulations state that the toilet room must be connected to the projection room.<sup>3</sup> It is in this room where the projectionists may hang their clothes and clean up. At all times the door should be closed to prevent possible accidents from spreading into the projection room.

<sup>1.</sup> Actual measurement.

<sup>2.</sup> Section 13, op. cit.

<sup>3.</sup> Ibid. Section 14.

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THE BOOTH Notice that this picture could not represent a Massachusetts booth because the rewind room is in the same room as the projectors.



Sections 32 through Section 441 pertain to technical phases of the projection machine and wiring; these are too technical for a paper of this nature.

# Operators.

In this typical Boston theatre the operators are unionized, belonging to one of two labor unions. There are very few operators who may be classified as "free lance" or independent operators. two unions in Boston. Massachusetts are the Moving Picture Operators and Theatre Workers, Local 3030, and the International Alliance of Stage and Theatrical Employees of the United States and Canada, Local The former union is large, but well known only around the Boston area; the latter is a member of the American Federation of Labor. An operator must pass a test given by the State and also one given by the union. Section 75 of the statutory provisions of Chapter 143 of the General Laws of Massachusetts states that:

> "No person shall operate such apparatus in any public building until he has received a license so to do from an inspector. No such license shall be granted until the applicant has passed an examination proving him to be thoroughly skilled in the working of the mechanical and electrical apparatus or devices used therein."

There are two operators in the booth at all times; this is to satisfy another State regulation. 2 The same regulation does say that it is possible to have only one operator in the booth while the show is running, but that when changing over from one machine to another it is necessary to black-out or stop the machines.

Ibid. Sections 32 through 44. 2.

General Laws of Massachusetts, Section 75 of the statutory provision of Chapter 143.

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typical theatre has four operators who work in shifts, two on and two off, during the time moving pictures are being shown.

A capable projectionist is not a mechanical worker whose duties are limited to filling the projector and later placing the film back in the container. He is constantly improving his knowledge of electricity, heat, optics, lenses, light, photography and light media. He is a real asset to any theatre; his interest in his work and his desire to improve depends on the attitude of the manager.

An attempt was made to find just how strong the local unions are and what the pay scale was for the various members, but such material was refused by the unions, who stated that the information was confidential. One assistant manager said that operators are such an independent group that it is better to leave them alone and be satisfied that the projection is kept at a certain high level.<sup>2</sup> It seemed as if the operators had more influence over the manager than the manager had over the operators.

There are certain duties that the operator must perform to meet the State regulations, and there are certain duties that must be performed to meet theatrical requirements. Some of the duties in the first category are:<sup>3</sup>

- 1. Check the wire attachments before each show.
- 2. Make a thorough examination of all films before each show. If the films show excess wear or deterioration, faulty patches or other imperfections, it shall not be run.

Waldron, Chelsea, Chief Projectionist, State Theatre, Portland, Maine, March, 1946, <u>Personal Interview</u>.

Assistant Manager at the theatre in Boston, Massachusetts.
 Waldron, Chelsea, Chief Projectionist, State Theatre, Portland, Maine, March, 1946, Personal Interview.

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3. The inspector may revoke the license of an operator if he finds that the operator is negligent or keeps his equipment in such a way as to cause it to be a menace to the safety of the audience.

Duties which fall into the second category are more in the form of reports such as:

- 1. Condition of the film.
- 2. Daily running time.
- 3. Cost sheet of both expenses and repairs.
- 4. Film breakage and stoppage record.

## The Screen

The care of the screen is equally as important as that of the booth. The screen is originally selected for a particular type of house, and then great care is used to keep it from becoming damaged or losing its light-reflecting efficiency. If such efficiency is lost, it can be renovated by means of special equipment, but this is a difficult task. When such renovation is necessary it should be done by an expert. Many managers state that the condition of the screen is the responsibility of the head projectionist. In a month the dust that settles on an unprotected screen will cut down the reflection from 10% to 15%. Therefore, during cleaning hours of the theatre, a protective curtain should be hung in front of the screen. No matter how carefully the screen is protected, it requires regular dusting and brushing.

<sup>1.</sup> Gorman, Leon P., Jr., former manager of the Cameo and Cape theatres in Portland and South Portland, Maine. This was a personal interview, July, 1948.

<sup>2.</sup> Ibid.

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The screen of the future - the Retiscope - is a concave motion picture screen which will assist the theatre manager in filling seats at the front or sides of the theatre. This new screen development is intended to eliminate image distortion, such as elongation of figures, from all parts of the theatre. Shaped like the retina of theeye, the Retiscope screen is said to be the scientifically and mathematically correct means of obtaining perfect picture projection. 2 Perfect focus is attained without the use of special lenses. The screen is adapted for any theatre, with each screen exactly engineered to meet the requirements of the particular theatre. Installations have already been made in several types of theatres.

Ibid.

Boxoffice, the modern theatre section, July 20, 1948, p. 34.

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#### CHAPTER IV

# INSPECTION, SAFETY AND SANTITATION

#### INSPECTION

"Standards are at the mercy of human performance.
Policies are merely blueprints till the hands of
man executes them. Since man is at least falliable,
and often careless and negligent, the price of
good management is eternal vigilence. Hence, there
is a need for inspection."

The purpose of inspection is threefold:<sup>2</sup>

- 1. It is one of the main instruments whereby management serves the public.
- 2. Periodic inspection is management's most important check on the organization. Seeing is something more than believing; it is knowing.
- 3. The effect on employees is to develop an alert discipline; knowing that they are under the eyes of superiors, knowing that at stated intervals they are responsible for certain duties, and at all times liable to review for others, they react in immensely beneficial ways.

There are two phases of the theatre that demand inspection personnel and the plant or theatre.

#### PERSONNEL

In Chapter II the subject of <u>personnel</u> was discussed, but only insofar as duties were concerned. Proper appearance was not mentioned, since the writer believed that this should come under the heading of Inspection.

There are very definite regulations covering the appearance of employees who come in contact with the public.

<sup>1.</sup> Gorman, Leon P. Jr., former manager of the Cameo and Cape theatres, Portland and South Portland, Maine. Personal Interview, July 1948.

<sup>2.</sup> Young, Leo, former manager of the Strand and Empire theatres, Portland, Maine. Personal Interview, June 1945.

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ment expects that cleanliness will be maintained. This means that shoes should be kept shined, and personal hygiene should not be neglected. Inspection of the uniformed staff is a part of the daily routine, usually checked by the chief of staff when a new shift is going on duty. The inspection of the personnel goes on every minute of the business day, since at all times there is going on the final, important, though casual inspection by the patron. It is this impression that a theatre makes on a patron that causes him to return a second time or to stay away. The conduct of the entire staff, from the manager to the ushers, should be a shining reflection of the wish to please and serve.

#### PLANT OR THEATRE

The inspection starts at the front of the theatre, and nothing is overlooked; hinges, doors, lights, and out of the way spots are checked for dust. The size of bulbs in the lighting fixtures throughout the theatre, the front marquee, and the upright sign is a determining factor in computing the monthly light bill. Plenty of light should be given where necessary but one should hold down the consumption where subdued effects are desired.

Carpets, drapes, hangings and fixtures are inspected. With the war over carpets rank second only to chairs as a need. A new fluorescent carpet illuminated by ultra violet light has been introduced but the costs are still too high for any but the deluxe theatres.

Every seat is checked. The front and seat bottoms are examined for gum. Audience comfort is held to be the first requisite

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in theatre seating. It is better to sacrifice valuable floor space area for the sake of wider seats generously spaced. Prompt repair of any faulty chairs is a "must".

From the following inspection report (Exhibit VIII) (Appendix B) it can be seen that the inspection is very thorough; not a single part of the theatre is overlooked.

SAFETY AND FIRE PREVENTION

Closely allied with inspection is safety and fire prevention the importance of which cannot be too greatly impressed on the minds of all working in the theatre.

"The recurring nightmare of all theatre managers is not fire, but the fire scare. An elaborate system of controls and preventitive measures has minimized the danger of an actual confligration in most modern theatres, but no one has yet found a way with mob hysteria — and 2000 panic—stricken patrons rushing toward the exits can leave a frightful score. A manager of a Reading, Pennsylvania theatre had one sickening moment when he thought he might be a witness to such a tragedy.

'I was in my office one evening when the cashier called up and said people were running out past her window. I got out of the office and down to the mezzanine, at the front of the balcony, as quickly as I could. There was smoke in the theatre and most of the patrons in the orchestra were on their feet and pushing their way up the aisles. I knew I had to stop them so I yelled, "Where the hell do you think you're going? Go back and sit down!" That startled them. They stopped moving. shifted around for a while and then started filing back to their seats. By that time we knew what the trouble was; so I went on the stage and explained it. A switch engine on a track outside had puffed out a lot of smoke and our ventilators had picked it up and carried it into the theatre. And then, of course, some good had to yell, Fire rel

<sup>1.</sup> Saturday Evening Post, Curtis Publishing Company, Independence Square, Philadelphia, Pennsylvania, November 14, 1947, p. 18.

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When it comes to safety and fire prevention, the various States step in and set up certain regulations. Such safety regulations in Massachusetts are released by the Department of Public Safety. Checkups are made at all theatres at least once a week. These inspections cover all details relating to the condition of the building, as regards the safety of life and property. The inspection officer rates each theatre on the following points in the following form:3

- Compliance with existing laws, non-compliance in any particular to be specified.
- The following ratings of each building as to the 2. safety of the audience, in the judgment of the inspectors, in the light of improved methods of insuring safety:

Conditions, whether poor, fair, good Remark of excellent a. structural condition b. facility of escape c. heating apparatus d. water supply e. lighting apparatus f. condition fire apparatus g. condition of sprinklers h. condition of fire resisting curtain i. protection against heighborhood hazard j. general condition of appliance and apparatus general rating of stage Rating as a whole With regard to safety of audience

<sup>1.</sup> Commonwealth of Massachusetts, Department of Public Safety, laws relating to the erection, alteration, inspection and use of buildings, Sections 34 to 38.

2. Ibid. Section 36.

Ibid. Section 37.

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After each inspection of a theatre, the inspector posts a notice in a conspicuous place near the main entrance stating that the theatre has been inspected as of a certain date.

Some of the mistakes that have been made will be listed lest they happen again and cause loss of life.

- l. Standby fire hydrants covered with an advertising display. The hydrant should always be in the clear. Speed is always the difference between a small accident and a disaster in a fire. It is important to enclose this hydrant without concealing it, since such equipment is very interesting to little boys, and tinkering with it can ruin the treads of the cap plug; then when a hose connection has to be made in a hurry, precious time is lost.
- 2. The floor of the lobby and the foyer space can be fire hazards. They are if they are laid with mats or runners which cause people to trip. This is especially true at doors, where one fallen person can cause a pileup of people. Too often these things are considered only from the point of view of appearance.
- 3. Other parts of the theatre which carry traffic from the auditorium should receive daily inspection for fire hazards. Every manager should be aware of having the panic bolts examined frequently for positive openings of exit doors with the pressure that would be given by a person leaning on them.
- 4. Any gates or railings closing off the exit courts should be tested before each day's run to see that the gates open freely by pressure from the inside, and that the railings are strong enough to hold against the crowding of people in the passageway.

<sup>1.</sup> Young, Leo, former manager of the Strand and Empire Theatres, Portland, Maine. Personal Interview, June, 1945.

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51 5. The importance of making certain that fire escapes are in perfect condition is obvious; but even if they are in perfect condition they are fire hazards, if they are cluttered with one thing or another. 6. In case of emergency do the emergency lights work properly? If there are no lights this is in itself a panic creator. Always have emergency lighting that can be depended on in case of fire or other emergencies. 7. The best assurance against the severe damaging of a theatre by fire is the absence of materials that burn. It isn't practical to eliminate all inflammable materials. There are flameproofing services available that make it safe to use otherwise inflammable fabrics, for flame-proofing can be easily renewed from tome to time. The fabrics should be tested for combustion at least once a year. 8. In many small towns there may be no inspection at all; in one way or another electrical installations get into theatres which are more fire hazards than they need be. Equipment may be added later on; sometimes with insufficient knowledge of the original electrical installations that overload the circuits. Make certain that all wires are of the proper size, that equipment is not likely to "pull" more than the rated amperage, that switches are in good condition at all times, and that each circuit is protected constantly by a fuse or circuit breaker of safe size. The preceding points are but a few of the points that should be checked as possible fire hazards. 1 This list is supplied by personal talks with others including L. P. Gorman Jr., Harry Botwick, and William Fields, 1940-1946.

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Exhibit IX is a typical form used by a theatre to report on fire, emergency drills, and safety inspection. Notice should be made of the fact that in the Snider Theatrical Chain such checks are made bi-monthly.1

### SANITATION

"We have among us today, as all during the past five years, many theatre owners who realize the unsavory conditions of their places of business. They wait only an opportunity to do something about it; having already done everything humanly possible to do about it with the limited material and labor at their disposal."<sup>2</sup>

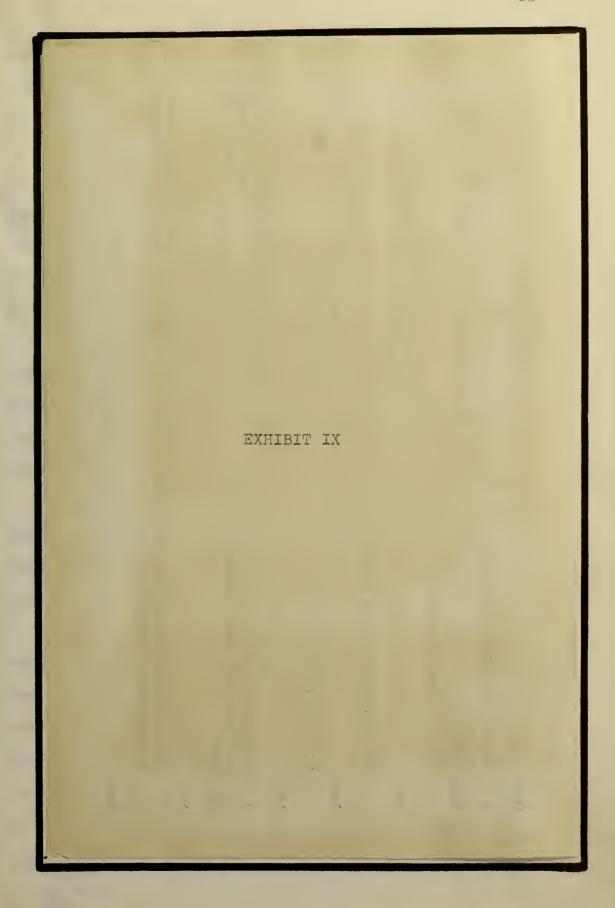
Keeping the theatre clean and sanitary is a very important task of the managers, most of whom have done everything possible to keep from being accused of carelessness in housekeeping technique. Building decay is the chief source of dissanitation in most of the prewar theatres; and all the soap and water, paint, germicides, brooms and brushes, vacuum cleaners and elbow grease are becoming ineffective weapons.

Plumbing fixtures are almost irreparable in many of the old theatres. Old fixtures will probably remain that way for some time to come owing to building requirements. As a result, until such times as materials become available for a complete renovation or remodeling job, the aforementioned weapons are just about the only chances of keeping the theatre from complete deterioration.

Sanitation is a difficult subject to talk about, especially to the theatre patrons. What looks or smells bad to them are usually matters of fact which they feel the management should be entirely

Ralph E. Snider, Theatrical Enterprises, Boston, Massachusetts.
 Moore, Ansel M., Boxoffice, the modern theatre section, October 12, 1948.

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# RALPH E. SNIDER THEATRICAL ENTERPRISES

BI-MONTHLY REPORT OF FIRE, EMERGENCY DRILLS AND SAFETY INSPECTION

| DATE19   | ĎATE 19  |
|--|--|
| THEATRE  | When drills were Held  |
| The following Theatre Attaches were present: (Give                                 | present: (Give Name and Position.)   |
|  |  |
|  | 1  |
|  |  |
|  |  |
|  |  |
| Total Number of Employees  | Numbon Absont  |
|  | ر_2  |
| A  | location of fire Equipment and Apparatus?  |
| Are they in perfect condition?   | Ans.   |
| Ans.   | F. Are all exit passages, carpets, steppings and aisles in safe condition?                                     |
| B. Did you inspect booth safety Devices?   | Ans.   |
| Ans  | G. Did you ask District Fire Chief to attend drill?  |
| Are they in perfect condition?   | Ans.   |
| Ans.   | H. Do you have roofs and canopies cleaned after heavy snow?  |
| C. Did you inspect stage safety Devices?   | Ans  |
| Ans  | I. Are roofs and canopies, Butters and down spouts free from rubbish?  |
| Are they in periect condition?   | Ans  |
| Did you inspect store rooms, Closets, baser  | Did you<br>canopy  |
| botler room, attic space, backstaße and other room?                                |  |
| Ans.   | Ans  |
| Are they free from rubbish, oily raßs, etc., likely to develop into a fire hazard? | No. Did you inspect fire escapes, do they need paint or do they show any signs of being in weakened condition? |
| Ans.   | Ans  |



conscious of and fully concerned about, without their having to point them out to the manager. Rather than say anything they would prefer to go some place else.

Appearance of sanitation in a theatre is next in importance to the actual possession of it—at the box office. If the theatre looks clean throughout, even the crankiest patrons are less likely to criticize or look beneath the surface.<sup>2</sup> If the theatre both looks and smells clean, the management should feel reasonably safe insofar as the patron is concerned.

The best evidence of sanitation has been known to satisfy over-zealous health inspectors in times of epidemic; whereas one dirty theatre in a town has been known to be the direct result of a complete closing order of all theatres in the area of contagion, 3 including those which were above reproach in all sanitary particulars.

Under prevailing conditions it is impossible to rebuild the theatres or effectively remodel them for sanitary or other reasons.

The most that can be done is to keep them clean and above suspicion with good housekeeping tactics.

Many old theatres were never sanitary because they weren't originally designed and built right. Cramped toilet rooms, hidden away in the basement, improperly equipped in the beginning and left entirely without ventilation or with woefully inadequate ventilation must be completely remodeled. Theatres with such toilet rooms that cannot be corrected by remodeling should be completely torn down, and probably most of them will be when building activity is resumed.

<sup>1.</sup> Neighbors and friends of the writer's whose names are better unlisted.

<sup>2.</sup> Ibid.

<sup>3.</sup> Portland, Maine, winter of 1942.

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In the meantime, the evidence of sanitation is what every manager must present to the waiting public. He can hardly get by merely by saying, "Sorry, folks, we know our theatre stinks, but we can't do a thing about it because of the red tape in Washington."

Besides plain soap and water there are numerous things with which to produce the evidence of cleanliness and sanitation in the theatre. Numerous items are being advertised daily in the various theatrical publications and trade journals.

Yes, sanitation is at this moment wonderful facesaver for those managers who are determined to hold to their guns until such time as they can do something actively. A few precautions should be taken:

- 1. A clean theatre is a safe theatre. Make up a chart routine for complete and regular housecleaning. Check against the chart at all times so that no point of sanitation may be overlooked.
- 2. A thorough inspection of the theatre should be made every night by the manager to determine cleanliness, freedom from fire hazards, and sanitary appearance.
- 3. Check the janitor's work frequently.
- 4. Be sure that sufficient janitor's supplies are always carried and that his equipment is in good operating condition.
- 5. Rest rooms should be inspected hourly. Patron supplies in these rooms must always be available and waste receptacles should be emptied frequently.
- 6. Inspect drinking fountains hourly that they may be kept spotlessly clean and always in proper operation.
- 7. Clean confectionery showcases, vending machines and popcorn hachines daily and remove all muss from them immediately.

<sup>1.</sup> Moore, Ansel, M., Boxoffice, the modern theatre section, October 12, 1948.

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- 8. Have an exterminator inspect the property at sixmonth intervals. An ounce of prevention in this respect may save untold headaches.
- 9. Check ventilation thoroughly throughout the theatre from sanitary standpoint. Good air condition in all parts of the house principally the rest rooms will obviate necessity for rank-smelling doderants or perfumeries.
- 10. There are sanitary jobs which require, hourly, daily, weekly, monthly and less frequent attention. Allot them properly and the housekeeping will be easier and more efficient.





EXHIBIT X
POSTURS IN THE MAKING



## CHAPTER V

# ADVERTISING, PUBLICITY AND EXPLOITATION

#### INTRODUCTION

Good theatre advertising consists of two things; know what the public desires in the form of entertainment, and know how to best inform the public about these attractions. Whether the results of the advertising have been successful or not can be readily determined at the box office.

The amount of money allocated to local advertising and publicity is in most cases a very definite percentage of estimated gross box office receipts. The overall percentage devoted to local advertising and publicity in 1939 was 8%; in 1946 the percentage was still the same, 8%. One large theatre chain in Boston was surprised to see such a high figure and said that his company worked on a 5% basis. This figure does not include the miscellaneous attractions; such as acts, music, prizes and contests, which is estimated at 3% of estimated gross box office receipts. 3

This section of the paper is divided into three main groups, and each is to be studied separately; for to talk about advertising and publicity in the same breath to a trained advertising man is to ask for trouble. The breakdown to be used is as follows:

<sup>1.</sup> Motion Pictures Abroad, U. S. Department of Commerce, January 15, 1939, p. 3.

<sup>2.</sup> Confidential

<sup>3.</sup> Motion Pictures Abroad, U. S. Department of Commerce, January 15, 1939, p. 3.

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# I. Advertising

- a. Newspaper advertising
- b. The lobby
- c. Outdoor advertising
- d. Radio advertising
- e. The screen

# II. Publicity

a. Theatre programs

# III. Exploitation

- a. "Gags"
- b. "Tie-ups"

#### ADVERTISING

# A. Newspaper Advertising

Newspapers are considered first, because they give the widest coverage and are thus the most important advertising medium.

They may lack the impressiveness of lobby displays, but the fact that they are placed before so many persons makes them the most telling type of advertising, if well done.

If the advertisement is to be original, the first thing to decide is what to say; this is referred to as "copy". The following is a list of DON'T'S for advertising:

- 1. Don't start to write until you have the facts.
- 2. Don't fix the value of a fact...until you try it out.
- 3. Don't try to get your facts from your office.
- 4. Don't talk about what your product is.
- 5. Always speak directly to the audience, individually.

<sup>1.</sup> Botwick, Harry, former manager of the State Theatre, Portland, Maine, Personal Interview 1940-1946.

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6. Don't exaggerate for emphasis...inspire confidence.

7. People don't like to say that they have been influenced by advertising.

Attention is gained through an excellent illustration, photograph, general arrangement, or a clever catch line. It must be remembered that one good illustration is worth 10,000 words.1

It is necessary to visualize just what the advertisement will look like both mechanically and typographically when designing an advertisement. White space helps give an advertisement personality; it prevents the layout from being smothered. Odd designs are effective in gaining attention. Special features, institutional copy, admission prices, time schedules, and changes in policy should be fitted carefully into the display. M & P theatres believe in stressing the program rather than the fact that the theatre is an M & P theatre. Most newspapers have provided special space where theatre time schedules for all the theatres is listed.

In most newspapers there is a separate page devoted exclusively to theatres and their attractions. It is necessary to have a definite spot each day for this kind of advertising, because people get into the habit of looking in one part of the paper for theatrical advertisements. The position for advertisements for theatres in newspapers is dictated, in most cases, by the rules of the newspaper with regard to the position of advertisements. If there is no established theatre page, it has been found that the back page is the best and choice spot.

1. Anonymous.

<sup>2.</sup> M & P stands for Mullin and Pinansky Theatres, main offices at 60 Scollay Square, Boston, Massachusetts.

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A very important matter to consider is the actual selection of newspapers. Before advertising it is necessary to know the territory and circulation covered by the various papers. For, example, a newspaper in Portland, Maine, that circulates in upstate Maine will not bring patrons to the Portland theatres.

Whether or not it is advisable to advertise in a morning or evening newspaper depends first of all on the standing of the publication in the community. The evening paper has more of a "pull" for the theatre, because it is usually in the evening when entertainment is being considered. Morning newspapers have added interest from an entertainment point of view when members of the family are on vacation. Newspapers have less advertising value during the summer than in the winter, and the theatres make allowances for this in their advertising budgets.

Advertising rates are usually based on a per thousand circulation. The percentage of the advertising budget devoted to newspapers varies. The only information that managers were willing to give on this subject was that it depended on the size of the city, Small cities and towns should spend approximately 50% of the total advertising budget for advertising in newspapers; the large the city the larger should be the percentage devoted to such advertising. Small neighborhood theatres find the newspaper rates too expensive and look to other channels for advertising.

Attention should be given to the press book, the theatre manager's Bible, for its invaluable assistance both to the inexperienced

<sup>1.</sup> Gorman, Leon P. Jr., Fields, William; Young, Leo, Personal Interviews, 1944 to 1948.

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manager and the trained "showman". Various types of layouts have been planned by the picture producers with various types of copy and appeal. If the manager should find that one of the advertisements is what he is looking for, he may obtain it merely by getting a "mat"l of the layout. The number of columns and lines that an advertisement will take is necessary in determining the newspaper costs; this is also given in the press book.

Various sizes of advertisements are available to choose from, and the following are a few of the possibilities in the case of the motion picture <u>Hatter's Castle</u>, released by Paramount Pictures in 1948. Each layout has a separate "mat" number. Notice that space is available for the name of the theatre where the picture will be shown (Exhibits XI and XII).

# B. The Lobby

An immediate sale is the objective of any lobby. The outer lobby will show current attractions; while the inner lobby will show coming attractions. The lobby should appeal to the imagination and strive to create a favorable impression. The entire architectural design must be studied, but this will be discussed under the title of architectural design.

Scene "stills" attract attention and draw people into the theatre lobby. These stills are leased by the distributors to the various theatres for the length of the showing of the picture. It is

<sup>1. &</sup>quot;A 'mat' is a paper composition of heavy paper mache impression of a cut or type form from which a plate for printing reproduction can be made." Motion Picture Herald, "uigley Publishing Co., Rockefeller Center, N. Y., November 9, 1946 p. E 47.

<sup>2.</sup> A "still" is, in most cases, an  $8\frac{1}{2}$  inch by ll inch, black and white, glossy finish photograph. Ibid. Motion Picture Herald, p. E 47.

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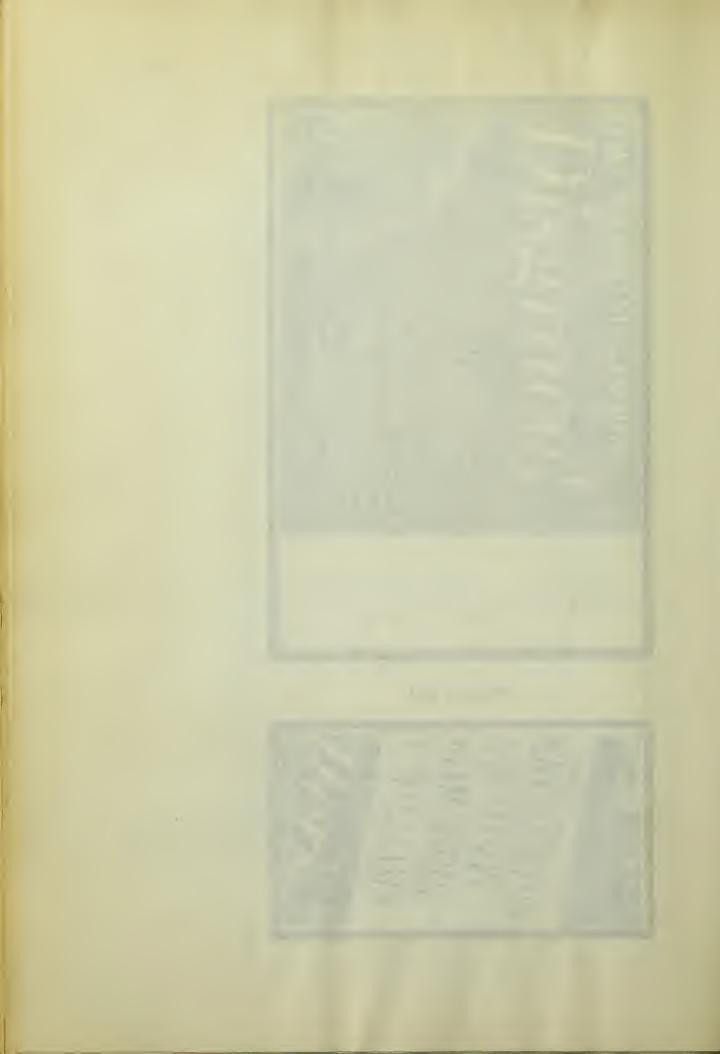
EXHIBIT XI





EXHIBIT XII





the job of the newspaper advertisements and billboards to bring the public to the theatre, and then it is up to the stills to give the final bit of persuasion and make the public enter the theatre.

"Cutouts" must be mentioned briefly, for they lend color and contrast which add importance and tone to the theatre front.

These cutouts, along with expensive mural posters and oil paintings, are part of the weekly lobby budget. Only in large theatres is it profitable to have such displays, for they are created out of the theatre fund.

There are usually very definite places inside the lobby where the next week's attractions can be found. In the Keith Memorial<sup>2</sup> the coming attractions are just above the door as the patron enters. These frames are hidden from view and are intended to catch the eyes of the patrons leaving the theatre. To avoid confusion, the coming attractions should hever be displayed in the outer lobby. The Strand theatre<sup>3</sup> has a very large inner lobby in which it is possible to take full advantage of advertising the next week's features.

On change night the lobby must be changed as soon as possible after the boxoffice is closed; in other words, get the lobby changed so that the patrons at the last show will see the copy and display boards of the new show on their way out.

<sup>1.</sup> A "cutout" is an artistic scene or star's portrait cut in profile; it may be a profile of any picture. Ibid, E 47.

<sup>2.</sup> Keith Memorial Theatre, Boston, Massachusetts.

<sup>3.</sup> Strand Theatre, Portland, Maine.

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#### C. Outdoor Advertising

Outdoor theatre advertising must be brief and to the point; the reader must absorb the message at a glance. During "bad" times outdoor advertising, along with radio advertising, has been eliminated to help in trimming the budget. It is now coming back into real prominence. One of the best places to put this outdoor advertising has been on the side of the trucks of the Railway Express. One Dover, New Hampshire, theatre manager! decided to experiment with billboards to see if they would increase boxoffice receipts; twenty five posters were displayed at various road intersections. While the results weren!t extremely imposing, it did show that receipts were larger. The number of posters was increased to fifty, and once again there was a slight upswing in boxoffice receipts. The manager is determined to continue using such posters, believing that they have helped increase theatre patronage.

Two units of size govern all cards and posters. A one-sheet poster is 28 by 42 inches; 2 a one-sheet card is 22 by 28 inches. 3 These sizes can be multiplied or divided. For example, the window poster is usually made up of sheets and half sheets. A billboard is a twenty-four sheet stand. 4 Exhibit XIII shows posters of various sizes.

As has been mentioned in the case of the Railway Express; this is one way a distributor starts a nationwide campaign for a certain picture. It can be tied in with a local theatre by stating

<sup>1.</sup> Confidential.

<sup>2.</sup> Actual measurement and observation.

<sup>3.</sup> Ibid.

<sup>4.</sup> Ibid.

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that the picture will be coming at the.....theatre soon. Some theatres will use billboards only when they can get the picture distributors help; other theatres do not wait for such opportunities but use weekly change billboards. Most of the billboards that change weekly are not of the twenty-four sheet type but are rather of the one sheet variety.

Certain elements must be considered in using billboards. They are of less value in the winter than in the warmer weather, because people spend less time outside. A posting concern will secure good locations and assure good coverage. The boards are the property of the poster company, and they charge a certain rate per poster. As one manager said, "It's good only if it shows a profit at the box office."1

#### D. Radio Advertising

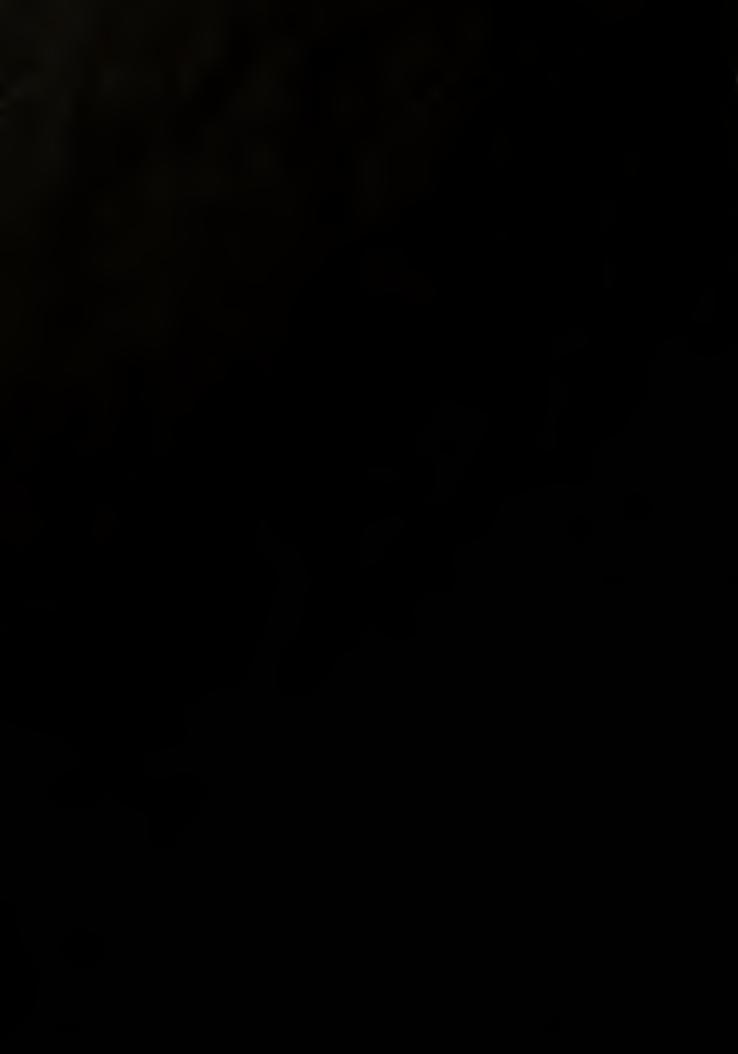
Many theatres take advantage of radio as a source of advertising. It is not unusual to hear an announcer at a radio station talk about a picture that is at a certain theatre, or that will be coming soon. Every day there are announcements here at State College, Pennsylvania, on the radio stating what is playing at the three theatres in the town.

The question arises as to what is the best time to put such advertisements on the radio. The dinner house, between six and seven, has proved the most fruitful; for at that time the family is at home and is thinking of entertainment. 2 The noon hour takes second place to supper broadcasting.3

Gorman, Leon P., <u>Personal Interview</u>, July, 1948.
 Radio Station WMAJ State College, Pennsylvania, uses these two times during the day for their announcements of theatre attractions.

<sup>3.</sup> Ibid.

EXHIBIT XIII
POSTURS OF VARIOUS SIZUS



# POSTERS



TWENTY-FOUR SHEET

Order all Accessories from NATIONAL SCREEN SERVICE







THREE-SHEET

ONE-SHEET

SIX - SHEET



The radio is highly suitable for exploitation; such will be considered under Exploitation later in the chapter.

This is the most expensive form of advertising, and for that reason it is not used to any great extent. Small theatres find that the expense involved is too great for them; occasionally, specialty programs are advertised by small theatres. A neighborhood theatre might run a benefit for a disabled war veteran; in this case radio advertising might be used. In such an instance, it is very probable that the radio time is given freely by the radio station or is paid for by the neighboring merchants who at the same time advertise their own products.

#### PUBLICITY

Under this title are included all forms of information about the theatre and its attractions, such as advertiser and distributor comments. In order to arouse interest the theatre must have news value, for without it the picture has no value at the box office where the final decisions are made.

It is important to know how to arouse interest. The manager who is new or doesn't know what is news value can turn to the press book for assistance. (Exhibit XIV) The releases selected can be sent to the newspaper; in the case of pictures it is necessary to obtain the mat number from the distributor. All the publicity needed for the picture Hatter's Castlel can be found in the press book. The experienced manager can use this available material to

<sup>1.</sup> Released by Paramount Pictures in 1948.

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supplement material of his own creation. There is one thing to guard against with regard to these press sheets, and that is the fact that some of the material was prepared weeks in advance.

Publicity is made up of two elements, pictures and words; they have their importance in the order mentioned. Very often good stills with few words will do a good job of publicity. The care of publicity is very important, and time should be taken in careful preparation.

Theatre managers often have contests among themselves to determine who can best publicize a picture; such a contest has been appearing in the past in the various trade journals.1

#### A. Theatre Programs

The theatre program has become passe in all large theatres and is used very little, except in small neighborhood theatres. Only last year, 1948, the Capital Theatre<sup>2</sup> observed an anniversary and issued special theatre programs. At the last investigation of the writer this theatre was using weekly theatre programs. The Cameo Theatre<sup>3</sup> issues a program on the back of a penny postcard. This program may be obtained by leaving the interested person's name and address on a slip of paper with the doorman. Each week a new program arrives early enough to be of full value to the receiver.

Many small theatres distribute one or two page house organs giving the news of the theatre and the coming attractions. These are either mailed out or distributed house-to-house.

<sup>1.</sup> Motion Picture Herald, Quigley Publishing Co., Rockefeller Center, N. Y., Managers roundtable section.

<sup>2.</sup> Capital Theatre, Allston, Massachusetts.

<sup>3.</sup> Cameo Theatre, Portland, Maine.

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In many cases the theatre pays nothing for the handbills, as they are called, as the expenses are borne by the merchants in the neighborhood. A printer may start the idea by suggesting that the community needs a theatre handbill; and he then sells the idea to the theatre and the local merchants. In this handbill the various merchants advertise their stores and establishments. The life of the average handbill is very short; in fact, its life is the shortest of any type of publicity known, is since it lives only about four hours from the time it hits the doorstep. The cost per thousand copies is approximately five dollars.

Calendars are often issued by neighborhood theatres for the following month. They arrive at the home about a week before the end of the month and contain the program for the entire following month. Neighborhood theatres take advantage of these calendars to do a small amound of institutional advertising. The State Theatre3 stresses the point with its slogan, "This is the State Theatre, the friendly theatre", This type of program is retained longer than the handbill. The objection to calendars is that it enables the public to select the movies it will see too far in advance. The reader will look over the program and circle the pictures worth seeing; after this is done the rest of the program is forgotten. It is surprising how long such a program will be retained; it is a constant source of reference.

<sup>1.</sup> Woodfords Press, Portland, Maine.

<sup>2.</sup> Ibid.

<sup>3.</sup> State Theatre, Portland, Maine.

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#### EXPLOITATION

"Exploitation uses every conceivable tool to attract attention and profit for the theatre. Its success depends on the creativeness of the exploiter and his ability in sensing public trends."

Exploitation consists of advertising and publicity with co-operative tie-ups. It has found its way into every walk of life; it is used in connection with wearing apparel, drugs, cosmetics, automobiles and other goods. Exhibits XV-XVII are examples of applications of exploitation to the Picture, Hatter's Castle.<sup>2</sup>

One of the criticisms of exploitation is that it has done too much in one direction. Quantity is often stressed at the expense of quality. To be successful, exploitation must create desire as well as publicity.

The cost of such exploitation is borne by the theatre alone or in conjunction with a department store or another civic organization. In the case of many pictures which have been given much advertising prior to their showing, such as <u>Gone With The Wind</u> and <u>The Best Years of Our Lives</u>, special increases in the budget were made to allow additional exploitation. Once again the success is determined at the box-office.

2. Released by Paramount Pictures in 1948.

<sup>1.</sup> Ricketson, Frank, The Management of Motion Picture Theatres, McGraw-Hill Book Company, Inc., N. Y., 1936, p. 244.

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EXHIBIT XIV Publicity



# POSTERS



TWENTY-FOUR SHEET

Order all Accessories from NATIONAL SCREEN SERVICE







THREE - SHEET

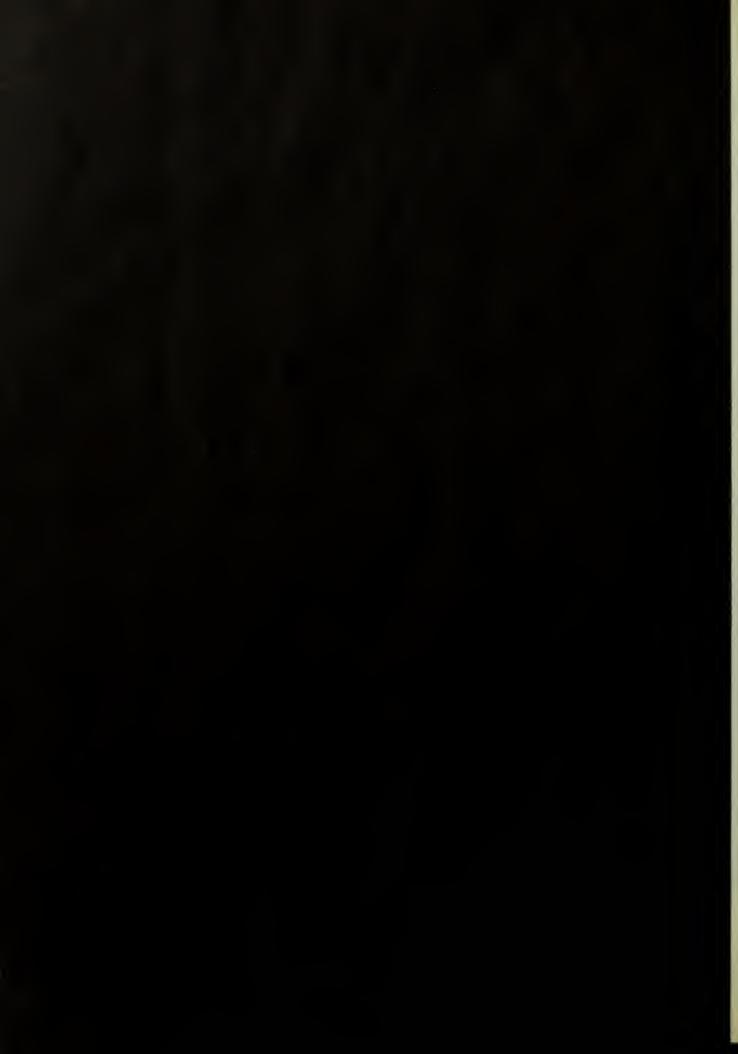
ONE-SHEET

SIX - SHEET





EXHIBIT XY EXPLOITATION



# PUBLICITY ... Facts About "Hatter's Castle"

#### THE STORY

HATTER'S CASTLE" is an adaptation of A. J. Cronin's greatly acclaimed and widely-read novel, which ranks in importance with his other novels that have been made into outstanding motion pictures—"The Green Years," "Keys of the Kingdom," "The Stars Look Down" and "The Citadel." At the time of its publication it was universally praised by critics, several of whom we quote below:

"A solid, meaty book distinguished for its objective writing and its rich and moving humanity."

"It can be stated almost without fear of contradiction that there is on display in HATTER'S CASTLE more stark misery, more cruelty and more exquisite mental torture than in any novel of recent years. It is, however, so powerfully written and so vivid in its detail that you disengage yourself only with keen regret."

"Not since 'Wuthering Heights' have we had a horror story that so completely satisfies all the requirements of the genre. His story is a successful combination of romantic terror and realism."

"Seene after scene strikes the mind and fixes itself in the memory."

"This immense novel, brutal, violent and full of life is a big achievement, tempting one to use superlatives."

### CAPSULE SYNOPSIS

THE STORY revolves about the fabulous, forbidding house built by the arrogant, brutal owner of a hat shop in a small town in Scotland. The hatter, obsessed with the ambition to be one of the town's great, rules his wife, daughter and son with an iron hand, reserving his affections for a pretty barmaid. Disaster and tragedy descend upon him and his family, culminating with the fiery destruction of the "castle," symbol of the power and glory he coveted above all else.

## FULL SYNOPSIS

(Not for Publication)

James brodie (Robert Newton), arrogant, brutal owner of a hat shop in a small Scottish town, has two driving ambitions: to make a castle of his home and to make a genius of his son, Angus (Anthony Bateman). Denied the normal life of a boy, and forced to study constantly, Angus suffers as much from his father's love as Brodie's sickly wife (Beatrice Varley) and his daughter, Mary, (Deborah Kerr) suffer from his sternness. Brodie has even forbidden his wife the medical attentions of the local physician, Dr. Renwick (James

While the socially ambitious hatter attends a ball with his wife, his unprincipled employee, Dennis (Emlyn Williams) invades the Brodie home and forces his amorous attentions on Mary. As a result of her compromising involvement with Dennis, she refuses Dr. Renwick's marriage proposal.

During a surreptitious visit with Nancy (Enid Stamp Taylor), a barmaid who enjoys the favors of Brodie, Dennis and the girl are surprised by the latter's entrance. A fight ensues, during which Dennis turns a pistol on his employer. Before Dennis gets away, Brodie wrings a confession from him concerning his relations with Mary. Slightly wounded, Brodie returns home and drives his daughter from the house.

Finding Dennis about to leave town, Mary tries to persuade him to marry her. He refuses and boards a train. The train is wrecked. All aboard are killed.

Brodie brings Nancy, the barmaid, into his home, ostensibly as a housekeeper. This new shame to Brodie's wife hastens her death. Brodie becomes more and more incoherent and impossible to live with, and Nancy Ieaves him. Now, the hatter's great passion is to have Angus win a scholarship at school. Fearful of his father's wrath should he fail in his examination, Angus tries to get advance knowledge of the test questions. He's detected and expelled from school. Heartbroken and frightened, the boy goes home.

Brodie discovers his son's dead body and goes completely beserk, cursing his house, the symbol of his pride, ambition and frustrations. He sets fire to the place, and Hatter's Castle becomes a funeral pyrc for himself and his son. At the services for the two Brodies, Mary appears to find that Dr. Renwick still loves her.

#### CAST

Brodie .....ROBERT NEWTON Renwick .....JAMES MASON Mary ..... DEBORAH KERR Dennis .....EMLYN WILLIAMS Nancy .. ENID STAMP TAYLOR Mrs. Brodie. BEATRICE VARLEY Grierson ......HENRY OSCAR Dr. Lawrie

LAWRENCE HANRAY
Foyle ......BREFNI O'RORKE Paxton .....CLAUDE BAILEY Gibson .....GEORGE MERRITT Gordon .....RODDY HUGHES Perry ..... DAVID KEIR Minister. AUBREY MALLALIEU Lady Winton ... MARY HINTON Sir John Latta...IAN FLEMING Angus .. ANTHONY BATEMAN Janet .....JUNE HOLDEN

#### CREDITS

Produced by .....I. Goldsmith
Directed by .....Lance Comfort Screen Play .....Paul Merzbach and R. Bernaur

Scenario & Dialogue Rodney Ackland Photography ......Max Greene
Music Composed & Conducted by
Horace Shepherd Mus. Bac.

Recording Director

A. W. Watkins
Sound Recording...C. C. Stevens Special Effects.. Douglas Woolsey Art Direction .....James Carter Film Editor...Douglas Robertson Production Management
E. J. Holding, V. Permane

Western Electric Recording

#### MUSIC

MUSIC is composed and conducted by Horace Shepherd, Included in the score, in addition to original music by Mr. Shepherd, are excerpts from the following tradi-tional numbers: "John Peel," "Highland Schottische," "Scottish National Airs" "Burgermeister's Polka," "Eightsome Reel" and "Scottish March."

### OFFICIAL BILLING

| Poromount presents 5%  |
|--|
| ROBERT NEWTON JAMES MASON DEBORAH KERR EMLYN WILLIAMS  |
| in HATTER'S CASTLE100% with  |
| ENID STAMP TAYLOR 25%  |
| Adopted from the novel by A. J. CRONIN 35%   |
| Directed by Lonce Cornfort Scenorio and Diologue by Rodney Ackland Produced by Isadore Goldsmith |
| A Poromount Picture  |



Still 1953-14

JAMES MASON and DEBORAH KERR are together for the first time in Paramount's picturization of A. J. Cronin's great novel, "llatter's Castle," which arrives \_\_\_\_\_\_ at the \_\_\_\_\_ Theatre. The sensational, adult drama co-stars the two with Robert Newton and Emlyn Williams, It was produced by Isadore Goldsmith.



Still 1953-118

DRAMATIC HIGH-SPOT in Paramount's high tension film, "Hatter's Castle," when Robert Newton surprises Enid Stamp Taylor in a compromising situation. The film, due \_\_\_\_\_\_\_\_ at the \_\_\_\_\_\_\_ Theatre, co-stars Newton with James Mason and Deborah Kerr and is an adaptation of A. J. Cronin's gripping novel.



Still 1953-70

DEBORAII KERR APPEALS DESPERATELY to the man who wronged her—played by Emlyn Williams—in this dramatic scene from "Hatter's Castle," Paramount's adult shocker which comes to the \_\_\_\_\_\_ Theatre. Miss Kerr and James Mason are romantically teamed in this adaptation of A. J. Crondn's thrilling novel. Film was produced by Isadore Goldsmith.



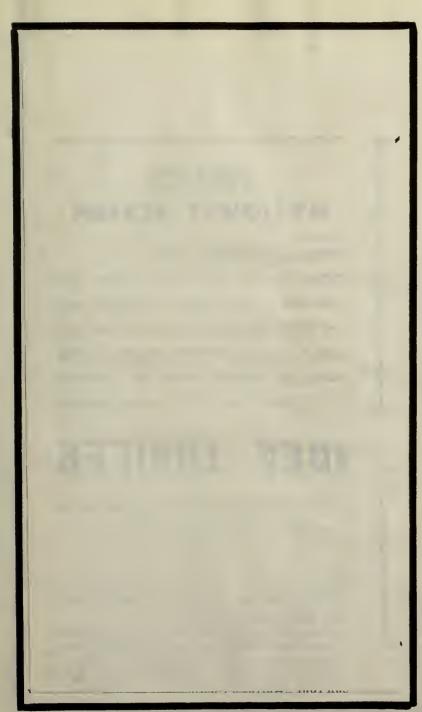


EXHIBIT XVI



# BEST SELLING BOOK IS PROMOTION BET

"Hatter's Castle" is one of the most popular books written by a widely-read author, A. J. Cronin, whose sales have run into the millions. This fact opens the way to promotions in cooperation with book stores and libraries.

The following sensation-selling excerpts from the book are suggested for window displays, newspaper co-ops and bookmarks.

"She knew she must never love again! She was drawn to him with a deep and moving emotion—wishing blindly to show her devotion—but torn by the beating of her straining heart. For a voice inside whispered who and what she was!"

"He reached out to her—and as she felt the firm, cool touch of the fingers that once had soothed her tortured body, her feelings overcame her and she pressed her warm lips against his hand. Then, with a sob, she whispered, 'How can you love me now—how can you forget my disgrace?'"

"It was the first time she had kissed any man yet the instincts of nature throbbed within her and she pressed her lips against his. She closed her eyes in his embrace, forgot everything, knew nothing, ceased to belong to herself—for she was his!"

These excerpts, together with stills and copy can help to put it over for you. They can also be used for lobby displays.

# ANIMATED BOOK DISPLAY

An "animated" book lobby display is indicated for this picture. Simplest way to do it would be to mount stills and appropriate copy on large sheets of cardboard to simulate pages, then bind them together and put the "book" on a table in your lobby. Customers then can turn the pages. Excerpts from book, above, can be used to tie in with stills.

## PERSONAL ADS

DOES one mistake make a woman wicked? "Hatter's Castle." Gem Theatre.

NOW it can be told! What happened at "Hatter's Castle." Gem Theatre.

JAMES MASON: Is it too much to hope that you still love me, after what I've done? Deborah Kerr. "Hatter's Castle." Gem Theatre.

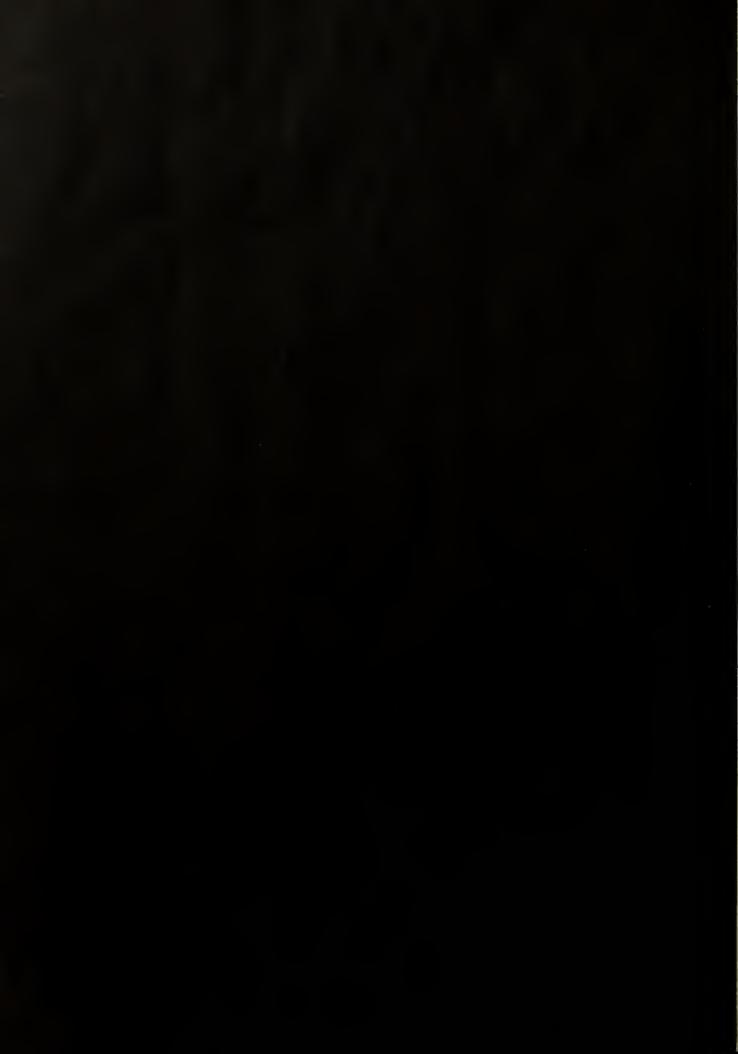
DEBORAH KERR: Come back. I'll always love you. Your past means nothing. James Mason. "Hatter's Castle." Gem Theatre.

BARMAID blackmails father. Father condemns danghter. "Hatter's Castle." Gem Theatre.

OTHER WOMAN drives wife from own home. "Hatter's Castle." Gem Theatre.



EXHIBIT XVII EXPLOITATION



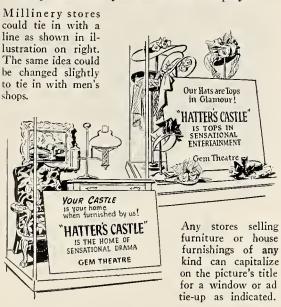
### TIE-IN COPY TO HEAD UP A CO-OP AD PAGE

HATS OFF TO BARGAINS . . . and to "HATTER'S CASTLE"
. . . Shop These Ads.

Copy above is suggested to head up a page of cooperative ads for your newspaper. The head can be dressed up with a mat from the Publicity Section of this Press Book.

### **MERCHANT CO-OPS**

Here are two suggestions for getting local stores to co-operate with you on window displays.



### INQUIRING REPORTER

This intriguing question is suggested for use by your newspaper inquiring reporter or radio manin-the-street broadcaster:

Do you think that one mistake makes a woman wicked? . . . as was the case with Deborah Kerr in "Hatter's Castle" at the Gem Theatre.

### STRESS ADULT ANGLE

The "warning" copy below is incorporated in all of the advertising. It would help emphasize the adult appeal of the picture if this copy was displayed prominently on a board in your lobby.

### WARNING!

This is a picture that children will neither understand nor enjoy. Don't bring them!



### CHAPTER VI

### FINANCE

On this subject very little information is released through the various publications, and the various chain organizations, although generally cooperative, refuse to release any figures. This is very understandable, for one chain does not want the other chains to know what is going on in their organization. One small New England theatre chain was willing to release the pattern they use in setting up their Master Budget; the terms were general and could very possibly apply to other chains. On the subject of bookkeeping the chains were even more closed-mouthed and would release only the uniform report forms that they use.

BUDGETING

The budget is the theatre's plan for profit. In the budget the dollar is dissected to find just what are the contributing parts of the whole.

The purposes of the budget are sixfold:2

- 1. The regulation of the spending of money within the confines of income.
- 2. The elimination of waste and losses and unproductive expense.
- 3. The careful studying and planning for the full utilization of possibilities.
- 4. An effort to place the definite responsibilities for each fraction of the business where it belongs.

1. Confidential.

<sup>2.</sup> Ricketson, Frank, Management of Motion Picture Theatres, McGraw Hill Book Company, Inc., 1935, New York, p. 219.

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- 5. A real check which indicates the variance between estimated and actual business.
- 6. A full-view operating plan of the minimum costs necessary to the gaining of maximum results.

The chain theatre like any other business needs a carefully planned, complete budget of all its operations, because, without it, there is too much guessing and jumping at conclusions, only to find out later that the conclusions were not valid.

By the use of the budget the chain does not have to look back at its mistakes. It is necessary to use all available historical facts, as well as all the information that can be gathered from the best brains in the organization to project into the judget standards of performance which will serve as a basis for comparison with current events in the coming months. The managers supply information on trends in their various localities in so far as their own theatres are concerned while home office executives supply figures on trends in picture production and on distributing costs. By combining the information of the various theatres in the chain with that of the home office, a master chart or budget is arrived at.

It is first necessary to observe the structural relationship as far as personnel is concerned. Everything should be departmentalized do that responsibilities are very definitely established. In the small chain there are the executive officers located in Boston,

Massachusetts; the district managers, the theatre managers, and then the breakdown of the actual theatre itself. (Exhibit II) There are two main classes of departments: (1) operating departments or those that arrange for the procurement of pictures and (2) the contributing

departments which render service. The home office is the former department, and the theatres compose the latter department.

Each of these two departments is headed by individuals whose responsibilities are defined and who accept the authority for the proper conduct and costs of operation of the activities of his department. Thus, in the home office the managing director, as he is referred to in this chain, is responsible for all that goes on in his department; and the district manager is responsible for all that goes on in the various theatres in the circuit. Under each of these key men there is a further breakdown of authority. For example, under the district manager, in order of responsibility, are the unit theatre managers; the assistant theatre managers, chief of staff, chief projectionist, chief engineer and the ushers.

A budget committee is created with the definite responsibility of coordination of the budget and is responsible to the president of the chain who happens to be the owner. The chairman of this committee is the treasurer of the chain, and he is located in the main office. In addition to the chairman there are two other members; one represents the managers, and the other, represents the group that acquire the pictures and take care of the work in the home office.

There are various conference groups which work out budgets for their various departments; there department budgets are in turn passed over to the budget committee which forms a master budget.

Each theatre prepares its own budget on the basis of past sales and anticipated trend; for the manager is the best judge of what is going

on in his locality. These individual budgets, once completed, are turned over the district manager who presents them at the committee meeting. A typical budget form used by one of the theatres can be seen in Exhibit XVIII. Budgets for other departments were not available.

Once these individual budgets have been prepared the budget committee acts as a controlling agent, responsible only to the president of the company. Thus, it can be seen that the various groups all contribute to the determination of this final master budget.

The budget is made up quarterly, and the figures are checked against the actual figures to see how close the theoretical figures are to the actual figures. It should be realized that frequently adjustments have to be made in the master budget to keep up with actual conditions.

Exhibit XIX shows figures that any theatre should take into consideration in arriving at its individual budget. It should be noted that certain costs have not changed from 1938 to 1946 as far as percentages are concerned; namely, miscellaneous extra attractions, other taxes and insurance, local advertising and publicity, and lighting. A definite upward trend percentage-wise is noted in the case of real estate and a downward trend in the case of payroll. If the manager has not included such drops, or at least taken them into consideration, his budget figures would vary from the actual figures; thus making an adjustment necessary.

### EXHIBIT XVIII

### THEATRE EXPENSE BUDGET

| Division | <u> </u> | Theatre  |
|----------|----------|----------|
| Class    |          | Location |
| Seating  | capacity | Manager  |

- 1. Program costs
  shorts
  talent and commission
  production costs
  stage hands
  Total
- 2. Advertising
  newspaper
  billboard
  accessories and misc.
  publicity and salaries
  artist salary
  Total
- Manager
  assistant manager
  secretary
  doorman
  cashiers
  ushers
  lobby
  check room
  operators
  organist
  watchman
  janitors
  maintenance
  Total
- 4. Fixed charges
  rent
  taxes
  insurance
  supplies
  light, heat
  repairs
  sound service
  telephone
  telegraph
  license
  miscell. exp.
  administration
  express
  Total
- Recapitulation
  program costs
  advertising
  house salaries
  fixed charges
  depreciation
  Total
- Sub-tenants
  expectancy
  effective week
  ending

Budget date Approved\_\_\_\_

<sup>1.</sup> Ricketson, Frank, Management of Motion Picture Theatres, McGraw-Hill Book Company, New York City, p. 251.

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### APPROXIMATE DISTRIBUTION OF ONE YEAR'S BOX OFFICE RECEIPTS AT UNITED STATES THEATRES

| 1. Estimated gross box office receipts for all United States motion picture theatres for 1938 |
|---|
| 2. Theatre retains 65% of total receipts for local expenses as follows:                       |
| a. Payroll25%\$250,000,000  |
| h. Real estate-rent, insurance, interest depreciation   |
| c. Local advertising and publicity 8% 80,000,000  |
| d. Light and heat 5% 50,000,000   |
| e. Interest and dividends 5% 50,000,000   |
| f. Other taxes and insurance.4% 40,000,000  |
| g. Miscellaneous extra attractions  acts, music, contests3%30,000,000 \$650,000,000           |
| 3. Theatre pays 35% of total receipts as follows:   |
| a. Studios for producing film \$250,000,000   |
| b. Wholesale distribution for prints and service costs  |

<sup>1.</sup> Motion Pictures Abroad, United States Department of Commerce, January 15,1939.

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The home office in its budgeting would have to note any changes in the costs charged by the studios for the production of the pictures as well as advertising sales and services.

AUDITING AND ACCOUNTING

Nothing has contributed so much to the downfall of theatre chains as their cumbersome system of reports. Where the independent theatre has an inadequate method of keeping records, the chain has erred in the opposite direction with voluminous reports, piling detail on detail. Without exception, every theatre operates on a weekly basis, and each day's report will quickly show whether there has been a profit or a loss. Depreciation is regular and fixed. At the end of the week the manager has the correct knowledge of the worth of his business, amortized and depreciated, with the weekly profit and loss statement, and the cost c arges against each item.

The assistant manager often handles the daily receipts, but it is the manager's duty to check over and initial the detailed forms which must be submitted to the home office at the close of each day's business. An extract of the totals is also dispatched by coded wire.

The larger chains have as many as forty operating forms to out, but listed below are just a few of the most common:

- 1. Advertising record (Exhibit XX)
- 2. Daily box office statement (Exhibit XXI)
- 3. Schedule of performances
- 4. Petty cash receipts
- 5. Film register
- 6. Inventory book

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- 7. Purchase order journal
- 8. Payroll time book
- 9. Ticket Inventory (Exhibit XXII)
- 10. Concessions-daily report sales (Exhibit XXIII)

### REFRESHMENT SALES

2.

"Sales of refreshments in motion picture theatres is still a growing business, still has not reached its peak."

While the volume of sales has increased, there has been little change in the kind of refreshments the public prefers. They still favor popcorn, candy, and soft drinks most with frankfurters, hot coffee, and so on somewhat less popular.<sup>2</sup> (That is, indoor theatres)

The following information, which pertains to a research of theatre sales for data on refreshment merchandising among the non-circuit theatres of the United States, can very well be applied to the circuits from the first quoted paragraph under this section.

These independent showmen desire to serve patrons as well as do the circuit operators. One reason for that may be the importance of the continuous and sizeable income from such operations. For example, here are a few comments from several states: 3

- l. "It might interest you to know that in a small theatre which I own the candy earns weekly a profit which keeps the house in the balck and for several months has carried the house over its nut." California.
- 2. "The sale of candy and drinks in theatres is the most consistent method of augmenting grosses when grosses are declining." California.

<sup>1.</sup> Theatre Advisory Council, Showmen's Trade Review, 1501 Broadway, N. Y., January 8, 1949, p. E-5.

<sup>3.</sup> Motion Picture Herald, Quigley Publishing Company, Rockefeller Center, N. Y., January 29, 1949, p. 54.

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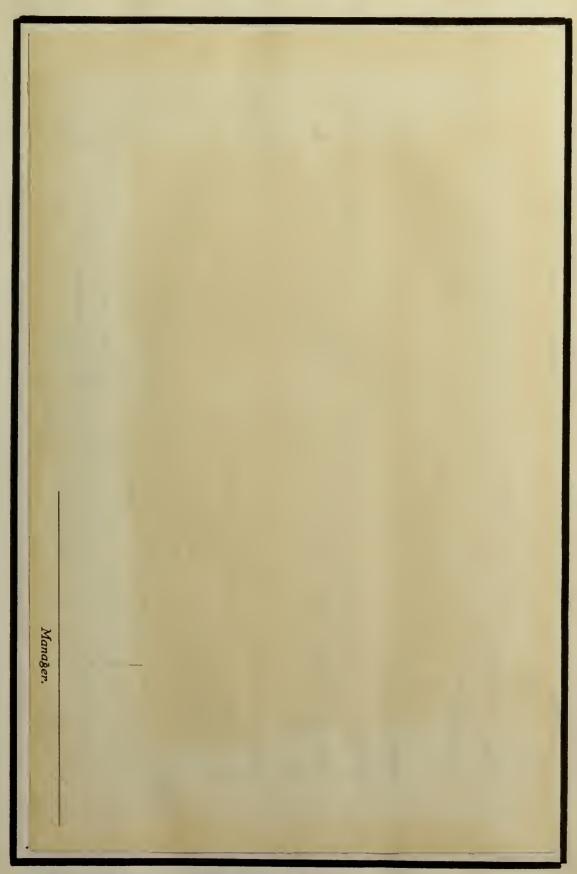
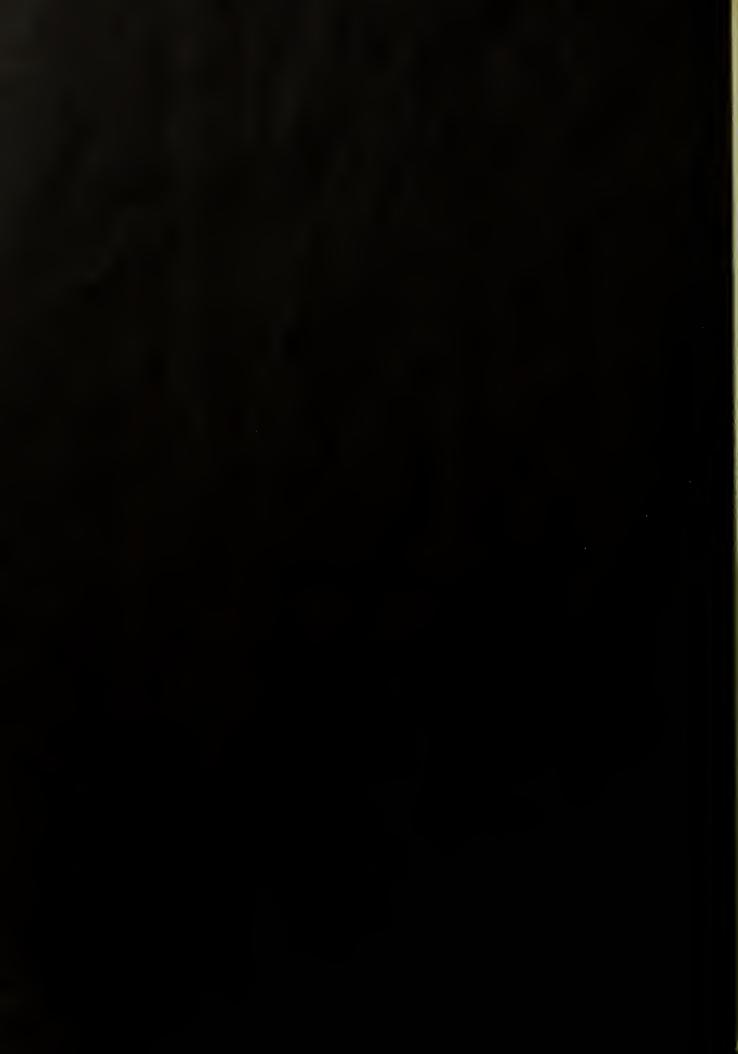


EXHIBIT XX ADVERTISING RECORD



### RALPH E. SNIDER

THEATRICAL ENTERPRISES

Advertising Record

| CITY    | PLAY DATE LENGTH OF RUN |  |
|---------|-------------------------|--|
| CITY    | EXCHANGE PL             |  |
| THEATRE | STAR                    |  |
| THEATRE | TITLE                   |  |

ADMISSION PRICES

REGULAR

ADVANCED

RECEIPTS

SHARE ON ADVERTISING

TITLE

TITLE

TITLE

TITLE

WEATHER

ONE SHEET

THREES

SIX

ART WORK

TWENTY-FOUR

8 x 10 PHOTOS

3

11 x 14

22 x 28

WINDOW CARDS

SLIDES

Sound Silent TRAILERS

HERALDS

MISCELLANEOUS

State What Essential Accessories You Were Short

When Did You Place Your Last Order\_

REPORT COST OF ADVERTISING HERE

| THE VENTION OF THE VE | Total Cost Newspaper Adv. | Total Cost Accessories | Total Cost Miscellaneous Adv. | TOTAL | OVER |
|--|---------------------------|------------------------|-------------------------------|-------|------|
| 10   | TOTAL                     |                        |                               |       |      |
|  | RATES                     |                        |                               |       |      |
|  | INCHES RATES              |                        |                               |       |      |
|  | NEWSPAPER                 |                        |                               | TOTAL |      |



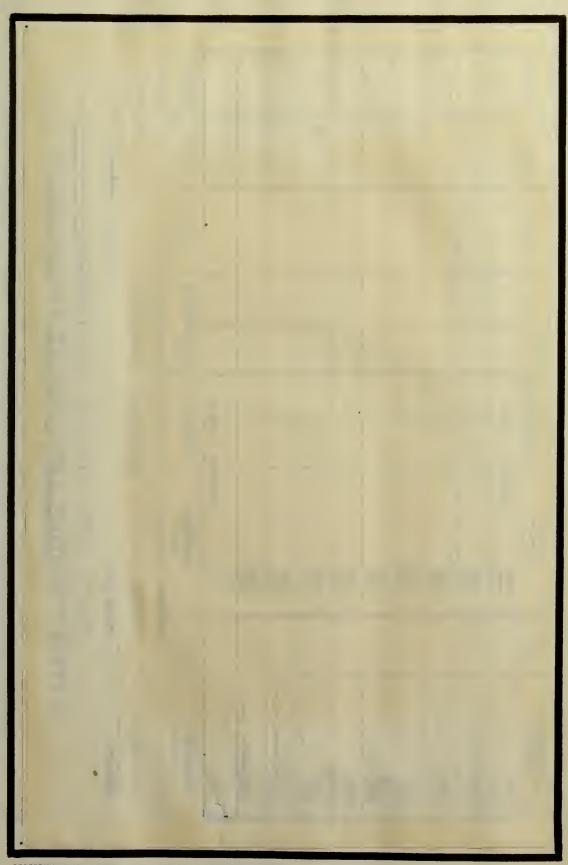


EXHIBIT XXI DAILY BOMOFFICE STATEMENT



## RALPH E. SNIDER THEATRICAL ENTERPRISES DAILY BOX OFFICE STATEMENT

THEATRE

| WEATHER               |        | <b>\(\Sigma\)</b> | MATINEE        | EE     |          |           |        |         | 19  |
|-----------------------|--------|-------------------|----------------|--------|----------|-----------|--------|---------|-----|
|                       |        |                   | . [            |        |          | DAY       |        | DATE    |     |
| REGISTER<br>READINGS  | BOLD   | TICKET<br>NUMBERS | SOLD           | REFUND | NET      | PRICE     | AMOUNT | T PRICE | TAX |
| CLOSE                 |        | CLOSE             |                |        |          |           |        |         |     |
| CLOSE                 |        | CLOSE .<br>OPEN   |                |        |          | ·         |        |         |     |
| CLOSE                 |        | CLOSE             |                |        |          |           |        |         |     |
| CLOSE                 |        | CLOSE             | ٠              |        | b        |           |        |         |     |
| CLOSE                 |        | CLOSE             |                |        |          |           |        |         |     |
| CLOSE                 |        | CLOSE             |                |        |          |           |        |         |     |
| CLOSE                 |        | CLOSE<br>OPEN '   |                |        |          |           |        |         |     |
| BERVICE CHARGE PASSES |        | CLOSE             |                |        |          |           |        |         |     |
| COMPLIMENTARY PASSES  |        | CLOSE             |                |        |          |           |        |         |     |
|                       |        | MATINE            | MATINEE TOTALS | ĽS     |          |           | •      |         |     |
| WEATHER               |        |                   | EVENING        | ING    |          |           |        |         |     |
| REGISTER              | SOLD   | TICKET            | SOLD           | REFUND | SOLD     | PRICE     | AMOUNT | T A     | TAX |
| CLOSE                 |        | CLOSE             |                |        |          |           |        |         |     |
| CLOSE                 |        | CLOSE             |                |        |          |           |        |         |     |
| CLOSE                 |        | CLOSE             |                |        |          |           |        |         |     |
| CLOSE                 |        | CLOSE             |                |        |          |           |        |         |     |
| CLOSE                 |        | CLOSE             |                |        |          |           |        |         |     |
| CLOSE                 |        | CLOSE             |                |        |          |           |        |         |     |
| CLOSE                 |        | CLOSE             |                |        |          |           |        |         |     |
| BERVICE CHARGE PASSES |        | CLOSE             |                |        |          | ,         |        |         |     |
| COMPLIMENTARY PASSES  |        | CLOSE<br>OPEN     |                |        |          |           |        |         |     |
|                       |        | EVENING           | NG TOTALS      | 1.5    |          |           |        |         |     |
| PROGRAM               |        | ATTENDANCE        | RECEIPTS       | ķ      | U. S. GO | GOVT. TAX |        |         |     |
|                       | M      | MATINEE           |                | 1      |          |           |        |         |     |
|                       | Ev     | EVENING           |                |        |          |           |        |         |     |
| REMARKS:              | ō<br>C | TOTAL DAY         |                |        |          |           | MA     | MANAGER |     |

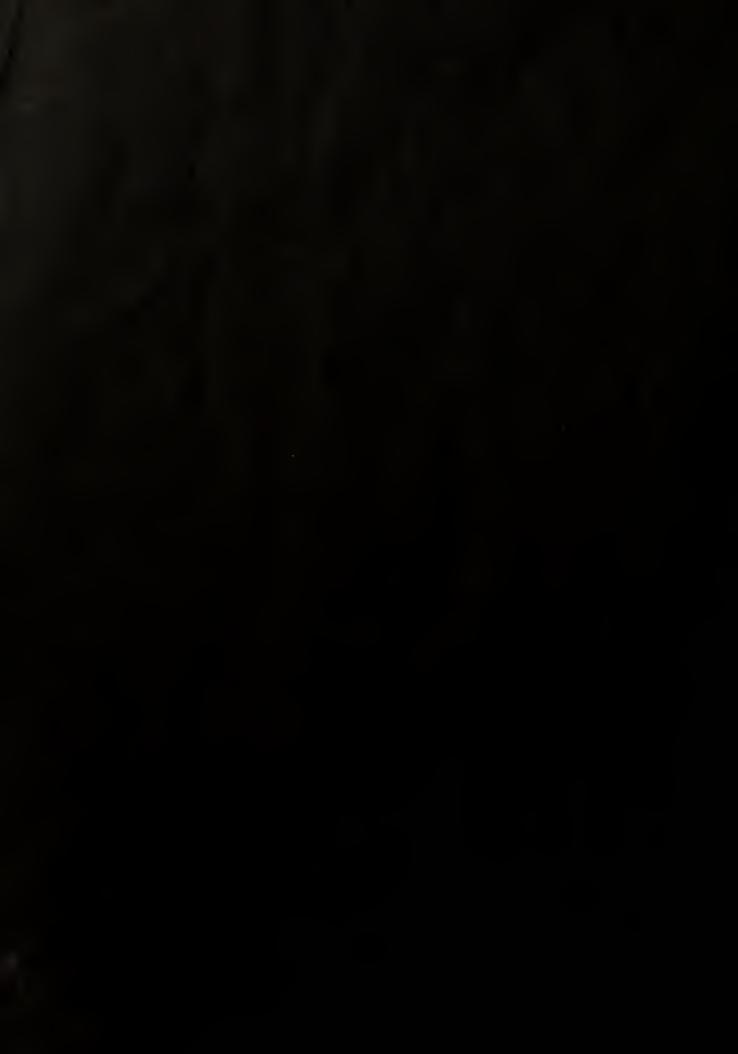
BOX OFFICE TREASURER

CASH DEPOSITED.

ILIST OPPOSITION ON BACK OF STATEMENT







# RALPH E. SNIDER THEATRICAL ENTERPRISES TICKET INVENTORY

| THEATRE | 19   |
|---------|------|
| CITY    | DATE |

| COLOR                      |         | PRICE | PRICE | PRICE | PRICE | PRICE | PRICE |
|----------------------------|---------|-------|-------|-------|-------|-------|-------|
|                            | CLOSING |       |       |       |       |       |       |
|                            | CLOSING |       |       |       |       |       |       |
|                            | CLOSING |       |       |       | ā     |       |       |
|                            | CLOSING |       |       |       |       |       |       |
|                            | CLOSING |       |       |       |       |       |       |
|                            | CLOSING |       |       |       |       |       |       |
| TOTAL<br>AMOUNT<br>ON HAND |         | ·     | *     |       |       |       | *     |
| COLOR                      |         | PRICE | PRICE | PRICE | PRICE | PRICE | PRICE |
|                            | CLOSING |       |       |       |       |       |       |
|                            | CLOSING | p     |       |       |       |       |       |
|                            | CLOSING |       |       |       |       |       |       |
|                            | CLOSING |       |       |       |       |       |       |
|                            | CLOSING | ,     |       |       |       |       |       |
|                            | CLOSING |       |       |       |       |       |       |
| TOTAL<br>AMOUNT<br>ON HAND |         |       |       |       |       |       |       |
| REMARKS                    |         |       |       |       |       |       | do-   |

ASST. MGR.

MANAGER



|            |                      | CONCE         | SSION - DAILY | CONCESSION - DAILY REPORT SALES | ES                         |  |
|------------|----------------------|---------------|---------------|---------------------------------|----------------------------|--|
| THEATRE    | тнеатке              |               |               | CITYDAY                         |                            | DATE   |
| ITEM       | OPENING<br>INVENTORY | 2<br>RECEIVED | 3<br>RECEIVED | 4<br>TOTAL<br>ADD COL. 1, 2, 3  | 5<br>CLOSING<br>INVENTORY. | 6<br>MDSE, SOLD<br>SUBTRACT COL. 5 FROM COL. |
| CANDY      |                      |               |               |                                 |                            |  |
|            |                      |               |               |                                 |                            |  |
| CORN       |                      |               |               |                                 |                            |  |
|            |                      |               |               |                                 |                            |  |
| CUPS       |                      |               |               |                                 |                            |  |
| BOXES      |                      |               |               |                                 |                            |  |
|            | -                    | 1             |               | 1                               | TOTAL CASH DEPOSITED \$    | POSITED \$                                   |
| MANAGER    |                      |               | REMA          | REMARKS: —                      |                            |  |
| CANDY GIRL |                      |               |               |                                 |                            |  |



- 3. "Our sales average is six cents per admission. Take in confections is about 27% of the boxoffice dollar." Illinois.
- 4. "We carry 45 to 50 types or kinds of candy. Chocolate bars are the biggest sellers with adults. Hard candies sell better to children; marshmallows to older people with tooth trouble." California.

Based on the research, 89.7% of the 8,275 non-circuit theatres, with seats for some 3,635,000 persons, sell candy or food within the door. Of this number 3.6% sell through leased counters or machines and the rest conduct their own operation or have full control over purchases and sales methods.

Over 81% of the above mentioned theatres sell candy. 3 82% of these candy-selling theatres use the "over counter" process only; 10% use machines only; and the remaining 8% use a combination of "over counter" and machines. The prices charged are considerably higher than other retail channels for: 5

- 1. 85% of the reporting theatres charge 6 cents or more
- 2. 41% of the reporting theatres charge 10 cents or more
- 3. 35% of the reporting theatres have candy selling for over twenty cents.

GUM

It is not too surprising to see that gum is sold in only about 42% of the independent theatres. This puts this product in fourth place behind candy, popcorn and soft drinks.

<sup>1.</sup> Motion Picture Herald, Quigley Publishing Company, Rockefeller Center, N. Y., January 29, 1949, p. 54.

<sup>2.</sup> Ibid.

<sup>3.</sup> Ibid.

<sup>4.</sup> Ibid.

<sup>5.</sup> Ibid.

<sup>6.</sup> Ibid.

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NUTS

Only 20% of the theatres sell nuts. This figure is made up of the already packaged nuts which sell for five and ten cents as well as the bulk varieties.

After looking at these statistics, it is not at all surprising that architects and theatre managers agree that when new theatres are built or old ones remodeled, extra spaces should be provided for such installations as refreshment concessions or machines.

To date there are few if any theatres which have more than one concession counter; but there is considerable talk about the possibilities of putting other counters in the various balconies or using one counter and a number of scattered coin machines.

Several members of the Theatre Council have summed up the importance of food and drinks in the theatre and their influence on box office receipts as follows:<sup>2</sup>

"Refreshment business is still growing in importance and peak has not been reached as yet."

"Our business is still on the increase, even in the face of decreased attendance; part of this we attribute to installations of deluxe refreshment bars."

"Our business in our circuit has not nearly reached its peak. We are considering giving our theatre managers a course in salesmanship because of the growing refreshment business."

### THEATRE TAXES

The subject of admission taxes is very much in the spotlight at the present time with a wave of local admission taxes again threatening in Massachusetts, North and South Dakota, Minnesota, New

Ibid.
 Theatre Advisory Council, Showman's Trade Review, 1501 Broadway, N. Y., January 8, 1949, p. E-7.

York, and Kentucky. The various chains are making plans to combat the proposed measure. Pressure is being exerted from many sides on the Government to repeal the 20% Federal admission tax. The Congress of Industrial Organizations has joined the long list of those asking for the tax repeal.

In Massachusetts the theatre men are watching the developments at the State House in Boston, following reports that there is a strong possibility of the enactment of a 10 per cent admissions tax throughout the state. On January 10, 1949, the North Central Allied Board, which met in Minneapolis, voted to oppose all admission tax legislation in Minnesota and North and South Dakota.

In the first session of the new 81st Congress, three representatives urged a reduction or elimination of the Federal tax.

In New York, on January 20, 1949, exhibitors and theatre organizations met to organize a campaign against the introduction of any new local amusement taxes.

Mr. Gael Sullivan<sup>1</sup> commenting on the admission tax, said that the tax, along with rising costs, had "so thinned the margin of profit that it must be removed." Arthur Lockwood<sup>2</sup> added that many small exhibitors, "squeezed between rising costs and falling attendance, report that they net less each week than they pay in taxes." According to the Bureau of Internal Revenue general admission tax collections during the twelve months of 1948 totaled \$385,125,454, a drop of less than one and one-third per cent from the \$389,867,479 collected during the same period in 1947.<sup>3</sup>

<sup>1.</sup> Executive Director, Theatre Operators of America.

<sup>2.</sup> President, Theatre Operators of America.

<sup>3. &</sup>lt;u>Motion Picture Herald</u>, Quigley Publishing Company, Rockefeller Center, N. Y., February 5, 1949, p. 12.

The move to cut the 20% Federal admission tax back to the pre-war 10% level picked up support during the first week in February, 1949, when Representative Joseph W. Martin, Jr., House minority leader, termed the present tax "discriminatory". Introducing a bill to cut the levy back to 1941 levels, he said, "Congress and the Administration can no longer justify the maintenance of high wartime excess rates on a few products of industry."

This material on Federal admission tax, as well as other

State admission and amusement taxes, is included here because it very

definitely will have an influence on the finance of the various

theatres, chain or independent. If this repeal law goes through

Congress, the profit and loss statement will look considerably

healthier.

<sup>1.</sup> Ibid. February 12, 1949, p. 18.

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#### CHAPTER VII

### THEATRE POLICY

#### ESTABLISHING A POLICY

There is but one purpose of a theatre, and that is to get as large box office receipts as possible by selling entertainment.

It can thus be said that policy is determined in dollars and cents.

In establishing a policy certain factors must be considered:

- 1. Pictures what pictures are available how constant is the supply what is the cost what are the competitors showing in their theatres.
- 2. Location to be discussed in Chapter VIII.
- 3. Admission price influenced by seasonal fluctuations in business, climate, weather, religion or racial habits, business of neighborhood and trading hours.
- 4. Advertising discussed in Chapter V.
- 5. Budget discussed in Chapter VI.

It is important to remember that the world is not standing still; everything is in a state of chage. So with policy it must be changed to keep up with changes in existing conditions. To determine whether a policy is successful does not depend on opinions or any other theoretical hypothesis; it depends on increased receipts. There is no such thing as saying that there is only one policy for a theatre. A policy is good as long as the money comes in; once this stops, another policy must be adopted.

For example, in one theatre prices may be too high or too low; five cents in admission price may be the difference between profit and loss. Some physical defects, such as projection, may be

A STATE OF THE RESIDENCE OF THE RESIDENC The state of the s the second secon The state of the s to the particular particular to the large .--- the cause of the "red" ink; paying a bit more to get a good projectionist or to buy better operating machines may change the "red" ink to "black".

The manager has but one objective, and that is to get every nickel the patron will pay for entertainment without losing his good will. When prices get too high, patronage may drop off, as noted during the period 1947 and 1948 by the decrease in revenue from the Federal admission tax mentioned in the previous chapter; if prices are too low the picture may be undersold. The indicator of whether the prices are too high or too low are the gross receipts at the end of the week. The spending of a community changes seasonally, and this too must be considered. It may be misguiding to compare one year with another, unless changes that have taken place are carefully considered.

During the war, the theatres in Ayer, Massachusetts, which is just outside Fort Devens, did an excellent business. Times have now changed and it is not right to expect receipts to be as great as during the war years. Another point must be remembered; during the war time there was plenty of money in circulation. It came easily and went the same way. Today people are learning to hold on to their money and are not as free and willing to spend. These changes must be considered when one wonders by receipts of several years ago were so much higher than they are today.

Experience, courage, and resourcefulness are three traits that are acquired as a person gets older. Most failures in establishing theatre policies have come from manager's inability to be

entirely impersonal, to set himself aside as he weighs the rights and wrongs of a subject. Many times the manager may want to operate a kind of theatre for which his house is not suited. It would be a waste of time to try and give a small theatre all the class and efficiency of a large well-functioning theatre. It would be just as foolish to put a million dollar theatre in a small town which had a population of 1,000 persons.

Policy takes time; a new policy cannot be expected to show immediate results. One manager believed that he could advertise a change or procedure in his theatre, and that within a week or two the public would be thoroughly acquainted with the new policy. He soon learned that the public was not so observant and responsive. It took from six months to a year before the results of the change of policy could be noted.

Frank Ricketson, author of <u>Management of Motion Picture</u>

Theatres, believes that policy change should be based on sound reason, and that reason should promise the public a beneficial service. All policies are sold to the public as being promulgated for its greater enjoyment and benefit.

# PROGRAM BUILDING

In putting a program together it is necessary to decide whether the program to be shown will be a double or single feature.

Each will be discussed in turn.

<sup>1.</sup> Charles Usen, owner of the Palace Theatre, Old Orchard Beach, Maine, Personal Interview, 1935-1943.

SQUARE SALES

#### DOUBLE FEATURE

The order of the program is as follows:1

- 1. Trailer on coming attractions
- 2. "B" feature-minor feature
- 3. Newsreel
- 4. "A" feature-main feature
- 5. Intermission

It has been found from much study that the length of the show receiving the most favorable reaction is never over three hours long and preferably two to two and one-half hours.<sup>2</sup> The person who arrives at the theatre late does not want to sit through a long program to see the part he has missed. Only seldom are there programs that are over three hours long. In the Boston theatres, for example, on Tuesday, June 29, 1948, the length of the programs at the various theatres was as follows:<sup>3</sup>

The trailer should be limited to three or four minutes. The writer has personally checked various theatres, and the average length of time devoted to coming attractions is three and one-half minutes. The date of the coming attractions can be shown in one of several ways. Either there can be an announcement before or after the show, or both, or the date can be superimposed on the trailer as it is being shown. The Strand Theatre in Portland, Maine uses all three methods.

3. Boston Post, Boston, Massachusetts, June 29, 1948.

<sup>1.</sup> Strand Theatre, Portland, Maine, August, 1948 and State Theatre, Portland, Maine, August, 1948.

Portland, Maine, August, 1948.

2. Gorman, Leon P. Jr., former manager of Cameo and Cape Theatres, Portland, Maine, Personal Interview, July, 1948.

The average length of American-produced features is 8,100 feet long, and the average screen time for one of these features is ninety minutes. 1 The Motion picture Hatter's Castle has a running time of 105 minutes: 2 and the Paramount picture, The Sainted Sisters, has a running time of 89 minutes.3 It is possible to get the exact running time of every picture, both features and short subjects, by glancing at the motion picture trade journal, The Motion Picture Herald. 4 where the running time is given. Film is projected through the machine at 90 feet per minute.<sup>5</sup> It is thus possible to determine the running time of a program. For example, if a complete program has 9,000 feet of film, the show takes 100 minutes or one hour and forty minutes. In determining a schedule the time should be worked backward from the closing time rather than from the starting time. The reason for this is that otherwise the program may run after midnight, and the public does not want to get out that late. So if the show is to get out at 11:30 P.M., and the show is two and one-half hours, the last picture must start at 9 P.M. Working this backward, it is possible to determine what time the first show will start in the morning. The box office should clase when the last feature goes on around 10 P.M.

Schedule of time for various pictures should be available so that all concerned will know the exact time that a picture is

<sup>1.</sup> Waldron, Chelsea, chief projectionist, State Theatre, Portland, Maine, Personal Interview, 1941-1943.

<sup>2.</sup> Press Book, National Screen Service, Boston, Massachusetts.

<sup>3.</sup> Ibid.

Quigley Publishing Company, Rockefeller Center, N. Y.

<sup>5.</sup> Waldron, Chelsea, chief projectionist, State Theatre, Portland, Maine, Personal Interview, 1941-1943.

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going to start. How many times have you gone to an usher and asked,
"What times does the co-feature go on", only to find that the usher
doesn't know? Schedules should be available so that the ushers can
refer to them if need arises. Copies of the schedule should go to
all departments of the theatre; projection booth, box office, doorman,
stage, manager and ushers. (Exhibit XXIV)

Today theatres advertise the time the picture will start, but they are lax in giving the exact time. If a person goes to a theatre to see a picture, he wants to see if from the beginning; a difference of a few minutes can thus mean a great deal to a patron. If the program is off schedule, it should be arranged and even juggled, if need be, so that the evening performance and important matinees start exactly on time. An added feature for the convenience of the patron is a time list at the box office of the time when he will get out of the movie. The State Theatre in Boston, Massachusetts, is one example of a theatre that offers this service. There are two clocks — one is set at the time the patron enters, and the other set at the time the patron should come out.

## SINGLE FEATURE

A theatre having a single feature has the following order of presentative of a program:

- 1. One reel subject
- 2. Newsreel
- 3. Trailer or coming attractions
- 4. Two reel comedy or short subject
- 5. Feature presentation
- 6. Intermission

<sup>1.</sup> Cathaum and State Theatres, State College, Pennsylvania

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Mr. Sullivan<sup>2</sup> summed up the building of a program when he said that it is first necessary to know whether you want to have a single or double feature program. After the feature picture, or pictures, have been selected, it is then necessary to get news, short subjects, and coming attractions of proper length to fill out the show. For example, the program starting at the Astor Theatre in Boston, during the first week in July, 1948, will run two hours and forty-seven minutes.<sup>3</sup> The program will follow the general pattern outlined at the beginning of the section on program building.

DOUBLE BILLS AND SINGLE FEATURES COMPARED

The number of theatres in the United States showing double features in 1946 was 12,282.4 Thirty per cent of the theatres have a constant double feature policy, and twenty-nine per cent have both single and double features as the occas on dictates.4 There is

<sup>1.</sup> Sullivan, Gael, manager of Astor Theatre, Boston, Massachusetts, Personal Interview, July, 1948.

<sup>2.</sup> Ibid.

<sup>3.</sup> Ibid.

<sup>4.</sup> Film Year Book, Film Daily Publishing Company, 1501 Broadway, New York, New York, 1946, p. 32.

<sup>5.</sup> Ibid.

|               |          |                            |                   | 7       |   |  |  |  |  | THEATRES  275 TREMONT STREET  POSTON 16 MASS |     |
|---------------|----------|----------------------------|-------------------|---------|---|--|--|--|--|--|-----|
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| ULE           | St       | 25                         | T                 | ဗ       |   |  |  |  |  | Starring                                     |     |
| CHEDI         |          |                            |                   | 2       |   |  |  |  |  | Sta  |     |
| TIME SCHEDULE |          |                            |                   | 1       | / |  |  |  |  |  |     |
|               |          |                            | Fader             | Setting |   |  |  |  |  |  |     |
|               |          | ture                       |                   |         |   |  |  |  |  |  |     |
|               | Feature  | Co-Feature.                | dada              | Ярек    |   |  |  |  |  | Feature                                      |     |
|               | Theatze  | Location<br>Other Subjects | GEORG CHIMINI     | DWINNON |   |  |  |  |  | Coming Attractions:<br>Date                  |     |



definitely such a thing as one section of the country having a definite preference for double features while another section has a preference for single features. In 1946 the Northeast was high for double features with 72% of the theatres showing them; the South was low with only 28%. Single features were shown at all performances in 6,916 theatres in 1946.

Most of the large theatres in New England have double features. The Astor Theatre in Boston is attempting to show only single features, but it has not been entirely successful; for during the week of July 4, 1948 they will show a double feature.3

There has been much objection to double bills from all sides. It seems as though everybody has fought against them. Producers and distributors have fought them; union employees and theatre staffs oppose them because they meant longer working hours. Many cities have tried to introduce legislation against them, but the matter just died a natural death. Boston was one of these cities. Patrons do not want to sit through double features to see the one picture that brought them to the theatre. The complaint often heard is that to see a worth-while picture, it is necessary to sit through a second-class picture. To children double features have meant eliminating many of the comedies, cartoons and short subjects. The Nittany Theatre in State College, Pennsylvania has remedied this somewhat by showing a single picture that children like on Saturday plus two or three short subjects. To the theatre manager it means

l. Ibid.

<sup>3.</sup> Sullivan, Gael, Manager of Astor Theatre, Boston Massachusetts, Personal Interview, July, 1948.

additional film rental and added program costs. Mr. Sullivan, stated that the desire of every manager is to have as large a turnover of performances as possible; for the greater the turnover, the greater will be the box office receipts. Another complaint that is seldom being mentioned now is uncomfortable seats, poorly ventilated theatres, and lack of modern conveniences; improved conditions mean better seats and ventilation.

as it is possible to get the product. When asked if he thought double features in New England were decreasing, Mr. Sullivan said that the theatre had a chance during the War to cut down on double bills because there were a shortage of pictures being made. Nobody wants to take the lead in the change-over; so nothing was accomplished. What will happen in the future is uncertain.

The policy of double features started in New England as a measure to bolster business; this measure became a practice in spite of protests by everyone, from the patrons to the distributors. The main reason why this was continued was that double bills drew better at the box office than the single features.3

An example of just how double features were received in a town of 25,000 follows. 4 A petition circulated protesting the length of the shows and stating that the showing of two pictures resulted in the lower quality of the program. Nearly 3,000 signatures appeared

<sup>1.</sup> Ibid.

<sup>2.</sup> Ibid.

<sup>3. &</sup>lt;u>lbid</u>. 4. Biddeford, Maine.

on the petition when it was handed to the manager. The protest was against an "A" house which operated on a two-change-a-week basis. In response to the demand the manager decided to change his policy and have double features on Saturday, Sunday, Monday and Tuesday; single features were to be shown on Wednesday, Thursday and Friday. If the business on the three days, Wednesday, Thursday and Friday was great enough over a three month period, than the preceding three month period, a single bill policy would continue. At the end of the test period the theatre was again operating on a straight double feature policy. Many other managers in the neighboring towns have felt that three months was not a long enough trial period. This is just one case and proves only that the people in the area under consideration were not ready to accept a single feature policy.

Another case can be cited where the same policy of having single features for half the week and double features for the other half of the week was followed. Today it is operating on a single feature basis. The circumstances behind this case are interesting and deserve comment. The manager believed that his theatre was not suited for twin features; so the theatre was opened at seven o'clock in the evening and the box office was closed at nine-thirty. Most of the patrons are farmers who come from rather far distances to see the show; they do not want to wait until eleven o'clock to see the part of the show they had missed if they arrived late. Since this theatre

<sup>1.</sup> An "A" theatre is one showing first run pictures and at top prices, Showmen's Trade Review, 1501 Broadway, N. Y., November 9, 1946, p. E 47-E 56.

<sup>2.</sup> Cumberland Theatre, Brunswick, Maine.

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is in a college town, Bowdoin College, most of the students had homework to do and thus had no time to go to late movies, except on week-ends.

The Capital Theatre in Allston, Massachusetts, has only one show a night during the week, starting at 7:45 P. M. This show is a double feature. On holidays, Saturdays, and Sundays the theatre is run continuously all day.

Each theatre has its own experience with single and double features. In the large theatres where the shows operate from 11 A. M. until 11 P. M., and the public is accustomed to three-hour performances, the double bill stimulates the box office. Suburban houses, like the above-mentioned Capital Theatre, find the double feature almost necessary to their success once the double feature policy has been adopted. In larger towns and cities like Boston and New York, all eyes are on the Astor Theatre to see just what the results will be of this attempt at single features.

Towns and neighborhoods have become fixed in their habits, and it is difficult for them to change over-night. Chains have realized the added revenue that can be obtained from carefully booking these double features. Heavy drama is to be blended with comedy; an all-star production is matched with a light-situation comedy of no-star value. The length of the double feature must be carefully weighed. After the first hour and a half the patron becomes restless, and it is then necessary to provide a picture that will hold their interest.

Very few territories where the double feature has been adopted have ever returned to the single feature policy. It would thus

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seem that, unless something unforseen takes place, the double features are here to stay.

# PASSES AND COMPLIMENTARY TICKETS

The issuing of passes is something that must be considered. Too often passes are given out with the belief that it is good advertising. Passes should only be given out for definite reasons. Many of the second-run theatres in Boston issue passes by the hundreds for one purpose or another. This does nothing more than lower the reputation of the theatre in the eyes of the public. The story starts to get around that certain theatres are "pass" theatres. By this the writer means that to get into the theatre the person in question has to know one of several hundred persons that has an unlimited number of passes. Rightly the pass is a courtesy extended in return for a favor done for the management or for some special service. An example of special services can be found with the case of Dr. I.Q. the radio show held on the stage of various theatres over the United States. All persons that anwer questions are given two free tickets to the show for the following week. The theatre in return benefits, for the name of the theatre is broadcast over a nation-wide network.

Passes ruin theatre goers. Once a person forms the habit of going to the theatre for "nothing", he either becomes a deadhead or a perpetual absentee. A newspaper editor of a daily paper had passes which he gave to employees of the paper. Discontinue the giving of passes for a fewweeks and then check and see if the people went to the movie by purchasing a ticket. The results in the cases studied were the same; the persons in question stopped going to the

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theatre. This story was supplied by Frank Ricketson, author of Motion Picture Theatre Management.

The issuance of complimentary tickets has a very definite purpose in the theatre. Certain people are entitled to them for various reasons. Complimentary tickets fall into three classes:

- 1. Season passes, subject to certain resptrictions.
- 2. Trip passes good only for a certain show.
  - 3. Advertising passes.

Season passes are received by city and municipal officials such as the chief of police, fire chief, editors, and critics. The writer had a season pass to a theatre in Maine; the restrictions were that on certain dates the pass would not be honored because of special shows or an increase of price. The reason for one of the occasions was that the picture being shows was being played on a percentage basis. This meant that the picture company received a certain fee for each person who entered the theatre. Check was taken by checkers, men who stand at the door with a counting machine to count the number of persons entering the theatre. By multiplying the number of persons entering the theatre by the cost per person, it was easy to arrive at a figure to pay the picture company.

The trip pass is nothing more than a courtesy pass. The number of passes, season and trip, should never exceed 1% of the theatre attendance. All passes are exchanged for complimentary tickets at the box office. A careful list of such passes is kept by the cashier. Passes issued by the theatre for a program such as

<sup>1.</sup> Fields, William, manager of Strand and Empire Theatres, Portland Maine, Personal Interview, June, 1948.

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Dr. I.Q., are considered trip passes. Advertising passes are those issued by the theatre to various stores and merchants who assist in theatrical advertising of one nature or another.

A final example of just how passes should not be used is as follows. A certain manager<sup>2</sup> found that he could make many friends and build up his personal popularity by issuing passes. The manager was thus using the theatre to further his own personal interests. He believed that he could buy his friends through passes. This practice was curtailed when the district manager found that the number of passes being issued was far in excess of the percentage allowed.

#### STAGE SHOWS

State shows will not be discussed as to policy because the interest of this paper is in motion pictures only.

<sup>1.</sup> Confidential for obvious reasons.

## CHAPTER VIII

### THEATRE LOCATION AND DESIGN

### SELECTING A LOCATION

The selection of the location depends on:1

- 1. Nature and character of the patrons
- 2. Climatic conditions
- 3. Transportation facilities
- 4. Parking accommodations
- 5. Likelihood of future competition

If the type of picture to be shown is second run,<sup>2</sup> the best location is in the suburbs of the city or in a neighborhood area, where people can see the picture if they have missed it at the first showing in the first run theatres.<sup>3</sup> Costs of construction, as well as operational costs, are lower in neighborhood areas; because it is in the central shopping areas where the highest costs occur. Perhaps there is a desire to show first run pictures; then a central location is necessary, where people can easily get to it regardless of where they may live in the city and its suburbs.

If a theatre is to be opened, there must be a need and definite purpose to supply something that is not available. What can this one theatre offer the patron that is not already offered by

<sup>1.</sup> Ricketson, Frank, Management of Motion Picture Theatres, McGraw-Hill Book Company, Inc., New York, N. Y. p. 348.

<sup>2. &</sup>quot;Second run pictures are those that have appeared in an area or district for other than the first time." Showmen's Trade Review, 1501 Broadway, N. Y., November 9, 1946, p. E47-E56.

<sup>3. &</sup>quot;First run theatres are those that show pictures that have not appeared in the area or district prior." Ibid.

other theatres in the area? Possibly the city is over-crowded as a result of war workers who have moved in; it is important to consider whether this is a short or long range movement. If it is short range, what will happen when the war workers leave? This excess theatre will be a headache, both to the management and to the neighborhood. The theatre must have some service that other theatres lack; it must have come reason for attracting attention. Just because a theatre is new does not mean that people will patronize it; they may for the first time to see what it is like. After that the theatre must offer some other inducement.

It is very important to check on the building regulations, as well as zoning ordinances, fire and police regulations. A copy of the laws relating to the erection, alteration, inspection, and use of buildings as released by the Massachusetts Department of Public Safety can be found at the end of this report in Appendix A.

The town itself must be studied with regard to whether it is a residential place or an industrial town. In a city like Biddeford, Maine, where the largest percentage of the city's population works in the mills and foundries, the business is subject to fluctuation depending on the mills and foundries. In the period of unemployment or during a strike the box office receipts fall off considerably.

The determining of the value of a theatre depends in general on the following:<sup>2</sup>

1. Saco-Lowell foundry and Pepperell Mills.

<sup>2.</sup> Ricketson, Frank, Management of Motion Picture Theatres, McGraw-Hill Book Company, Inc., New York, N. Y., p. 309.

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- 1. Rental of building without equipment 7% to 12% of estimated annual box office receipts.
- 2. Value of building 100 to 120 times monthly rental.
- 3. Rental value of equipment 19% of actual worth if lessee maintains and pays taxes, or 12% if lessor pays taxes and lessee maintains equipment.
- 4. Value of equipment should not exceed 21% to 25% of value of building and land.
- 5. Value of business one to three year's net profit, computed over five year period. In rare instances four years.

### THEATRE LEASES

Theatres pay rent of around 15% in an average year of gross box office receipts; this was the figure released in 1939. Since then the costs, like everything else, have gone up, and in 1946 this percentage figure has risen to 20%. The reason that the rent is so much higher is that there is only one purpose for which this type building can be used; and, therefore, there is the added risk to the landlord.

Certain leases call for a fixed rent for a given year and then periodic increases. This has been frowned upon and is not too common today. One theatre under consideration has a type of lease which states that the rent to be charged shall be a certain percentage of box offive receipts. If the theatre does a good business, the landlord will also benefit; and if conditions are bad and people do not attend the theatre, the theatre does not pay the landlord as much.

<sup>1.</sup> Motion Pictures Abroad, U. S. Department of Commerce, Jan. 15, 1946.

<sup>2.</sup> Ibid.

<sup>3.</sup> Showmen's Trade Review, 1501 Broadway, New York, N. Y. Jan. 8, 1949, p. Ef.

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Before signing the lease a complete checkup should be made of the property to be included in the lease. How about the right-of-way that a theatre must have to operate efficiently? It is better to check beforehand than to have trouble later. One theatre in Connecticut planned to have stage shows, but trucks loaded with equipment, in backing into the state loading entrace, trespassed on the property of another company, which refused to allow a continuation of this violation. This resulted in a court action and a disadvantage to the lessee; all because he had not checked first into the property lines.

Certain other factors should be considered before signing the lease. Since the theatre uses the sidewalk, marquee, and certain other types of illumination, provision must be made whereby no other signs or advertisements will be placed on buildings in the same block which might obscure the full view of the theatre. Even the seemingly small items of crowds outside the theatre must be considered. The lease should make it permissible for the theatre to line people up in front of the stores, if necessary, as long as this does not conflict with the city ordinances.

The duration of the lease depends on several factors:2

- 1. age and future of the building
- 2. competitive conditions
- 3. patronage in the immediate area

Let us take the case of the State Theatre in Portland, Maine, which

Name of theatre changed but located in Greenwich, Connecticut.
 Ricketson, Frank, Management of Motion Picture Theatres, McGraw-Hill Book Company, Inc., New York, N. Y., p. 312.

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was built at a time when business was moving into the uptown Congress

Street area. Under such conditions it was advisable and practical

to get a long lease on this theatre of fifteen to twenty years. Many

theatres are leased for much shorter periods, such as the Cameo Theatre

in Portland, Maine which was leased for between six and seven years.

"State building codes and municipal ordinances are becoming more stringent, and every lease should contain a clause whereby the lease should be relieved from making rental payments during any period when the premises are unfit for occupany for theatre purposes. If the lease states that the building is to be used for theatre purposes, it becomes the obligation of the lessor to keep the building fit for the purpose for which it is leased, and the expense incurred for compliance, must be borne by the lessor. Theatres are quasipublic enterprises and can be closed in the public interest during periods of epidemic, strike or martial law. In the tenant's interest, the lease should provide that if the theatre is closed by the city, state or federal authorities under martial law, health quarantine, or other emergency, lessee shall be relieved from making the rental payments during such periods and rental payments made in advance shall be credited upon the next ensuing rental period to be made."

A good example if this above-mentioned occurred in New York in 1947 when Mayor O'Dwyer of New York City closed all places of entertainment by city proclamation; theatres which had this clause in their leases did not have to pay rent for such time as the theatres were closed.

The exterior of the theatre building is usually maintained by the lessor; while the care of the interior is to be maintained by the lessee.

Every lease has certain standard clauses covering fire, acts of God, and inevitable accidents. Other clauses which should be included are:2

<sup>1.</sup> Hbid. p. 286.

<sup>2.</sup> Ibid. p. 287.



- 1. option to cancel the lease
- 2. obligation of the lessor to rebuild or repair property at lessor's expense so that results will be equal to property prior to damage within a reasonable time
- 3. if the lessor does not make the above repairs within reasonable time the lessee has the right to make the necessary repairs and deduct the costs from the ensuing payments of rent, or to terminate the lease

There are other clauses that should be included, but they are of an extremely technical nature and should be handled by lawyers as should all such matters on leases.

# THEATRE CONSTRUCTION AND DESIGN

How much theatre construction is there to be in 1948 and 1949? The answer is important to anyone who gets his living from normal expansion, revision and maintenance of the motion picture theatre. A few interesting statistics might prove of interest to show the trend in the amount spent in the field of theatrical construction and replacement; this applies only to indoor theatres: 1

| <u>Year</u>   | Amount spent for theatre construction and repair                                |
|---|---|
| 1929<br>1930<br>1931 (approximately)  | \$163,559,000<br>97,580,000<br>45,000,000                                       |
| 1933  | 13,500,000  |
| 1935-April 1936   | 21,500,000  |
| April 1936-June 1937 June 1937-June 1938 June 1938-June 1939 Ju ne 1939-June 1940 June 1940-June 1941 June 1941-June 1942 | 46,275,000<br>44,800,000<br>38,300,000<br>36,000,000<br>27,000,000<br>7,268,000 |

<sup>1.</sup> Motion Picture Almanac for 1946-1947.

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The post-war theatre projects, new construction, reported by the F. W. Dodge Corporation up to April 1946 totaled 807, representing a cost of over \$66,000,000.

The reason for the drop in theatrical construction was due to government action which curbed all construction except for essential purposes. On March 31, 1948, construction in the amusement field was given the go-ahead by the Government when the new Federal Rent Control Law was passed. From July 1, 1947 to November 21, 1947, there were 934 applications for permits to build or remodel theatres. Only 260 were granted. Most of these 934 applications were not for permission to build new theatres, but rather to rehabilitate existing properties to permit theatre owners to be in a position where they could compete favorably and effectively or to save a building from confiscation.

At the time when all amusements were seeking the lifting of the limitation on construction the following article appeared:3

Of all types of buildings, theatres typically take the lease from the stockpile of residential construction. Housing requires much lumber, theatres little or none at all. Theatres have considerable masonry, but houses very little. In plumbing, a big item in residential work, representing about 20% of the total costs, there is practically no competition, because it is only about a 3% item in theatre work. The Government housing program requires very, very little of the structural steel and concrete the theatre construction uses in substantial amounts.

When theatres were being constructed in the 1920's and 1930's and even in the early 1940's, it was necessary for the designer to know all types of design from all periods of history. The closer

<sup>1.</sup> Better Theatres, Quigley Publishing Co., N. Y. December, 1947 p. E-47.

<sup>2. &</sup>lt;u>Ibid</u>. 3. <u>Ibid</u>.

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the designer could come to reproducing an actual likeness to an Egyptian, Renaissance or Chinese building the greater would be his success. Examples of this are found in the Egyptian Theatre in Brighton, Massachusetts and the Oriental Theatre in Mattapan, Massachusetts.

Many of these early moving picture theatre houses are still being used; they constitute a big part of the problem of obsolescence confronting the theatre business. Many appear to be beyond redemption. But the fact that the resourceful designer who has a sound "feel" of modern materials can produce a modernized scheme for even the least promising of such structures is well demonstrated in the remodeling of the Tremont Theatre in Boston and the State Theatre in Nashua, New Hampshire.

#### THE ASTOR THEATRE

Modernization of the old Tremont Theatre into the new Astor in Boston presented one of the most intriguing of remodeling problems for William Riseman and Associates, Boston architects. The actual auditorium, located in the center of a thickly settled block, was accessible only by a long corridor between two existing buildings. The passage extended some half block in length and varied from eight to twelve feet in width. From the end of the long lobby existing conditions necessarily imposed an S-shaped route of circulation through the foyer and into the auditorium, which was of huge proportions. These were the existing conditions.

<sup>1.</sup> Information on the Astor Theatre supplied through the courtesy of William Riseman, and Associates, Boston, Massachusetts, May 1948.

Confronted with these conditions and the necessity for utmost speed in construction, the designers began with the facelifting of the front of the theatre.

"Covering the narrow alleyway and adjacent building, and extending from the marquee to the roof, a flat panel was superimposed of enameled metal panels (Exhibit 25). This huge and imposing plane was adorned simply with a large white opal attraction panel and the word Astor, in large flowing neon script, thus furnishing the fundamental public information with simple but dramatic dignity.

'In order to take advantage of the excellent cite conditions, provisions were made for the application of a large 20 by 30 foot display sign to be superimposed over the attraction panel. This great display feature would be used upon occasion to depict portraits, animations, and other additional copy necessary for the advertising of certain outstanding productions.

'The public is attracted once more by the sound principles of the open front which is enhanced in this case by the actual penetration of walls, ceilings and floors through the flush glazing of the entrance doors and transom (Exhibit XXVI)

'Just inside the lobby doors the mirror changes to a wall of pale yellow Formica that is illuminated by the soft glow of an overhead light. The end of the lobby is made interesting by the complete change of texture to a corregated transite surface, finished in a cool sea green to complement the warm tones of the walls and carpets. By changes in the ceiling height, variations of the wall material, and alterations of continuous and spot lighting, a once monotonous tunnel was converted into a visual adventure.

'It might be interesting to mention that all the wall surface of the lobby are hard-surfaced materials selected with due regard for wear and tear exercised by constant public usage.

'The method used in remodeling the foyer is economical. The materials and colors are the same as those employed in the lobby, with the exception of the marble and mirrors.

'The abrupt transition from the low lobby into the high vault of the foyer was handled by first painting out the vast expanse of upper walls with a dark subdued effect, and then by accenting the points of interest with studied lights, (Exhibits XXVII, XXVIII).

<sup>1.</sup> Ibid.

. . . It is a second of the second All the second s A STATE OF THE PARTY OF THE PAR the state of the last transfer and the  'The new standee area just inside the rear of the orchestra floor was illuminated with a soft down-glow of light radiating from a continuous cove at the top of the free-form standee rail.

'The illumination played a leading role in the design of the auditorium. The dark green plaster walls in the front part of the theatre were flooded in a soft glow of pale blue light, and the red corduroy fabric at the rear and balcony was accented with spots of directed light. The auditorium has thus great light intensity.

'The auditorium suffered major structural changes in the entire program (Exhibit XXIX). The second balcony was completely removed, as it interfered with the sidelight of the rear of the loges; however, most of the seats lost were regained by the removal of the state. The position of the old proscenium arch is now in the center of the theatre, and the screen now has been moved to only three feet from the back wall. The screen now installed is the Nu-Screen curved type of fiberglass product.

\*On the enlarged main floor Kroehler puch-back chairs were installed, 34 inches back-to-back in contrast with the former spacing of 29 inches."



EXHIBIT XXV

William Riseman and Associates, Boston, Massachusetts, May, 1948.





EXHIBIT XXVI

William Riseman and Associates, Boston, Massachusetts, May, 1948.





EXHIBIT XXVII



EXHIBIT XXVIII

William Riseman and Associates, Boston, Massachusetts, May, 1948.





EXHIBIT XXIX

William Riseman and Associates, Boston, Massachusetts, May, 1948.



#### CHAPTER IX

# LOOKING TO THE FUTURE

# THEATRE IS STILL ENTERTAINMENT WINNER IN UNITED STATES

Motion pictures are still the American family's most popular entertainment; more is spent on them than on any other recreation.

During the past year, 1948, of every dollar that was spent for recreational activity, the main share, 14.6%, went to the motion picture theatre. This figure has remained constant over the past two year period. Prior to 1947 a still larger percentage of the amusement dollar went to motion pictures.

| 1935 | 19.8% |
|------|-------|
| 1940 | 18.9% |
| 1944 | 21.9% |
| 1945 | 20.1% |
| 1946 | 17.6% |
| 1947 | 14.6% |
| 1948 | 14.6% |

This picture might very easily indicate that the percentage received by the theatre has hit the bottom and will now rise.

According to estimates based on Commerce Department figures and estimates based on Treasury Department's tax collections through October 1948, the local theatre box office received 1.8 cents more of the recreation dollar than did its nearest competitor, the purchase of radios, phonographs, television sets and pianos, for which only 12.8 cents was spent.4

<sup>1.</sup> Department of Commerce figures and Treasury Department tax collections through October, 1948, Motion Picture Herald, Quigley Publishing Company, N. Y., January 15, 1949, p. 11-14.

<sup>2.</sup> Ibid.

<sup>3.</sup> Ibid.

<sup>4.</sup> Ibid.

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In all, 7.6% or \$9,300,000,000 of the \$122,000,000,000 paid in wages and salaries in 1948 went for recreational purposes, and of this the motion picture industry received \$1,365,000,000.1

As more-or-less proof that motion picture entertainment is a vital part of the American living and therefore a barometer of the conditions of the nation's business is shown in a comparison of motion picture gross receipts and business in general from 1929 to 1948. (Exhibit XXX)<sup>2</sup> It can be seen that for the past twenty years motion picture gross receipts have closely followed the trends of the national business index.

From this chart (Exhibit XXX) it can be seen that both theatre gross income and business dropped considerably during the height of the depression years. From 1934 to 1940 a gradual climb was registered until the business index stood at 115 at the beginning of 1940 and the film index reached slightly better than the normal of 100.

From 1941 through 1945, the war period when all business was working at full capacity, and motion pictures remained as one of the few unrestricted forms of entertainment, the business index reached 145 while the theatre gross receipts moved to the same level. In the post-war years nearly all industries converted to peacetime operations and the business index slumped until it hit 125 in the 1945-1946 season, then it started to climb until by the end of 1948 it stood at 165. In this time theatre gross receipts showed no decline. In 1945

l. Ibid.

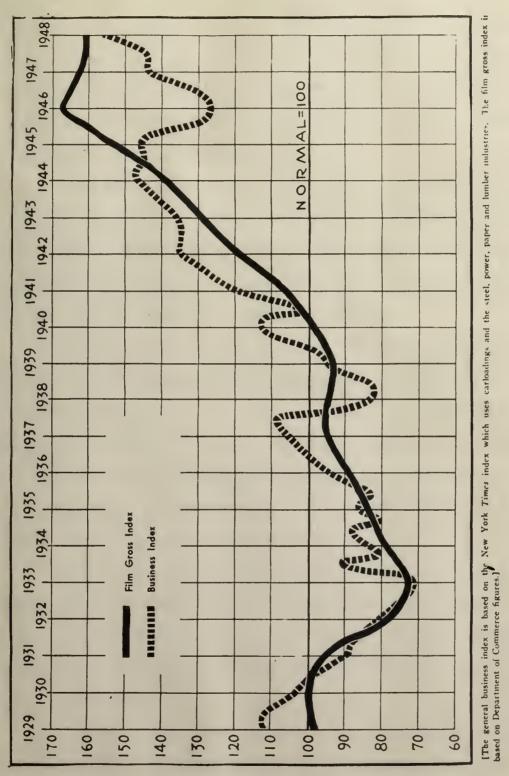


EXHIBIT XXX

1. Motion Picture Herald, Quigley Publishing Company, New York, January 15,1949, p.11-14.



the theatre index was 153; in 1946, 168, and by the end of 1948 it was leveling off but was still above 160. Thus, it is a bit difficult to say what will happen to the theatre industry in 1949; the slight downward trend started in 1946 may continue, or the curve may be reacting as the business index did in 1946 when there was a short dip followed by an upward movement.

From Exhibit XXXI it can be seen that motion picture entertainment has been the predominant form of relazation since 1930. The last year in which there was more money spent on another form of entertainment than on motion pictures was 1929. That was the time when the radio was becoming so popular in every home.

In 1935, motion pictures received 20% of the entertainment dollar, since despite increased unemployment and lower wages, the people found the local theatre almost a necessity. By 1940 the industry was getting 18.9 cents of the entertainment dollar and in the following years when war restrictions limited expenditures on more durable items of entertainment, the industry climbed to its all-time high by taking 21.9 cents in 1944.

In the first years of the post-war period the motion picture industry started to feel its first serious competition in nearly two decades. The national and international pictures brought a terrific increase in demand for magazines and newspapers with which to keep abreast of the news.

The hard-to-get items of the war years were again in mass production. The public spent much of its entertainment money for the scarce items such as golf, tennis, hunting equipment, radios, television sets, dolls, baby carriages, and mechanical toys. From

|  |                |   | -              |                |                       |                          |          | 1                        |
|--|----------------|---|----------------|----------------|-----------------------|--------------------------|----------|--------------------------|
| SPLIT OF AMUSEMENT DOLLAR  | SE             |   | M              |                | 0                     | 111                      | 2        |                          |
|  | figures i      | \$ figures in millions. [000,000 omitted] | 000'000]       | omitted        |                       |                          |          |                          |
|  | 1929           | 1935                                      | 1940           | 1944           | 1945                  | 1946                     | 1947     | 1948*                    |
| Spent for All Recreation   | \$4,327        | \$2,625                                   | \$3,740        | \$5,314        | \$6,021               | \$8,625                  | \$9,360  | \$6,300                  |
| For Motion Pictures  | \$720<br>16.4% | \$518<br>19.8%                            | \$709          | \$1,175        | \$1,259<br>20.1%      | <b>\$</b> 1,427<br>17.6% | \$1,380  | <b>\$</b> 1,365<br>14.6% |
| For Magazines, Newspapers, Sheet Music   | \$538<br>12.4% | \$456<br>17.3%                            | \$581<br>15.3% | \$821<br>15.5% | \$889<br>14.7%        | \$999                    | \$1,111  | \$1,100                  |
| For Toys, Sport Supplies   | \$336          | \$216<br>8.4%                             | \$309          | \$486<br>9.8%  | \$595                 | \$925                    | \$1,008  | \$1,000                  |
| For Radios, Television Sets, Musical Instruments   | \$905          | \$206<br>7.9%                             | \$429<br>11.5% | \$256<br>4.8%  | <b>\$</b> 266<br>4.2% | \$1,126                  | \$1,393  | \$1,200                  |
| *Estimated—based on Department of Commerce figures, and Treasury Department tax collections through October, 1948. | and Tree       | ısury Depo                                | irfment to     | x collection   | ons throug            | th Octobe                | r, 1948. |                          |
|  |                |   |                |                |                       |                          | 100      |                          |

1. Motion Picture Herald, Quigley Publishing Co., New York, January 15, 1949, p.11-14.



Exhibit XXXI it can be noticed that the increase in these forms of entertainment took a sharp upward swing in actual dollars and cents.

Despite the post-war reduction in expenditures for theatre attendance they continued to lead the list. There is every indication that they will again do so in 1949.

According to estimates of admission tax collections contained in President Truman's budget for the fiscal year ending June 30, 1950, submitted to Congress on Monday, January 19, 1949, the Government expects theatre business to increase slightly in the next 18 months. 1

The general financial stability of the country indicates that theatre business is going to continue to be good if the close relation between the Film Gross Index and Business Index remains.

Employment is at an all-time high with more than 60,000,000 currently at work.<sup>2</sup> The cost of living is going down, thus allowing more money for entertainment spending. The Bureau of Labor Statistics cost of living index, which reached a post-war peak of 174.5 in August, 1948, is now down to about 172.<sup>3</sup> During 1948 the average weekly wage rose about six per cent.<sup>4</sup> This leads to one conclusion that if the public has more money to spend, motion pictures will continue to get their share and possibly more.

#### GOVERNMENT LEGISLATION AGAINST CHAINS

If and when Attorney General Tom Clark signs the consent

<sup>1.</sup> Copy of the President's budget released in the Pittsburgh Post-Gazette, January 11, 1949.

<sup>2.</sup> Motion Picture Herald, Quigley Publishing Co., N. Y., January 15, 1949, p. 12-13.

<sup>3.</sup> Ibid.

<sup>4.</sup> Ibid.

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decree, the draft of which was sent to Washington during the week of February 12, 1949, it will end the second chapter of the anti-trust suit referred to as "The United States of America" vs. Paramount Pictures, Inc., et al, Equity No. 87-237, first started by the Government in 1938.

Now that the Paramount phase of the case is just a bout settled, attention is being centered on what the other companies will do. The original suit involved Paramount, Columbia, Loew, Warner Bros., Twentieth Century-Fox, RKO, United Artists and Universal. RKO has already reached a settlement with the Government; the question now remains as to what the other companies will do. The remaining defendants are divided into two groups, those with theatre interests, Twentieth Century-Fox, Loew, Warner Bros., and the LITTLE THREE Columbia, United Artists and Universal. Since this paper is on Chain Theatres, interest and concern will be given to the larger companies which have theatre interests. If any consent decree settlement is reached with the first group, it is very possible that such a settlement would be based on the Paramount case, but at this time there is no mention that the three other companies were even contemplating consent decrees discussions with the Department of Justice. It is possible that the three companies are waiting to see what the Paramount solution would be.

If this consent decree is signed by Tom Clark, it would sever Paramount's theatres from its production and distribution, protiding for a new theatre company which would retain some 600 theatres out of the approximately 1,500 in the giant organization. It would

<sup>1.</sup> Showmen's Trade Review, 1501 Broadway, N.Y., February 12, 1949, p. 5.

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set these theatres up in one company, assign production-distribution to another company, and prohibit stockholders apparently from owning stock in both companies; this is the general plan.

Just what this will mean has been summed up by Sam Pinanski, veteran New England Exhibitor and, until its break-up, one of the heads of the M & P Theatre Chain with headquarters in Bostom,
Massachusetts.

"DIVORCE will mean changes in motion picture selling, production and exhibition. There'll be more action theatre-wise in management of the theatres, indicating that exhibitors on the scene could select and merchandise more carefully with an eye to what would make money than they could under a distributor dominated circuit system."

Following are the names of the theatre circuits that would be involved in the proceedings under the Paramount decree in New England. Names of the president or general manager, and area of operation, are in brackets:2

Maine and New Hampshire theatres (George W. Lane Jr.:
Maine, Massachusetts, New Hampshire and Vermont)

M & P Theatres (Connecticut, Maine, Massachusetts, Vermont, Rhode Island). This circuit has already been split into two circuits-American theatres, controlled by Samuel Pinansky and New England theatres owned by Paramount and operated by Martin Mullin)

Western Massachusetts (Samuel Goldstein: Massachusetts, Vermont)

<sup>1.</sup> Motion Picture Herald, Quigley Publishing Company, Rockefeller Center, N. Y., February 12, 1949, p. 14-16.

<sup>2.</sup> Ibid.

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From this action it can be seen that the era of the large chains is over; from now on chains will exist by in smaller groups.

DRIVE-IN THEATRES

Since this chapter is titled "LOOKING TO THE FUTURE", it is well to look at the Drive-In of the future-twin Drive-In theatres. It was inevitable that such a theatre which would accommodate 1,000 cars would come; but the drive-in outside of Milwaukee, Wisconsin has gone farther than that. When the "41 Twin Outdoor Theatre" opens in the spring of 1949 it will have room for 1,850 cars. This is the answer to the question - how far from the screen can you put people? The solution in this case is to put them on both sides of the screen structure. In reality it is two theatres, but is only one operation and the management can save on realty and personnel.

This "project" started in 1941 as a 925-car drive-in. The patrons were people living in Milwaukee, Racine, Kenosha, and the smaller towns and rural sections of a half dozen prosperous counties in Southeastern Wisconsin. Because of the popularity of this one drive-in theatre, after the war it was inevitable that another would be built in the same general area. Because this drive-in is located on Route 41, which is a broad high-speed thoroughfare and the main route to Chicago, L. F. Gran, president of Standard Theatres and his associates, adopted the twin-theatre since they had 65 acres available.

Now under construction, the second theatre, facing the original one with one screen structure serving both, will duplicate

<sup>1.</sup> First mentioned in December, 1948 and later additional information released in subsequent issues of Better Theatres, Quigley Publishing Co., N. Y. Latest issue is February 5, 1949.

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the other in its ramp system and its projection, refreshment, and rest room facilities.

This capacity for 1,850 cars means an attendance of 11,000 people! "ven if there are only three people in the car, that is over 5.000 people. Each theatre has fourteen ramps, 1 the first holding 32. the last 106. for a total capacity of 925.

Approaches to both theatres is through the same entrance (Exhibit XXXII). Two lanes lead to the highway, and these empty into an approach to the ticket booths. There are two booths serving four lanes, which merge into a drive leading through an arch in the screen structure to the opposite side, where the drive branches left and right to give access to the ramps.

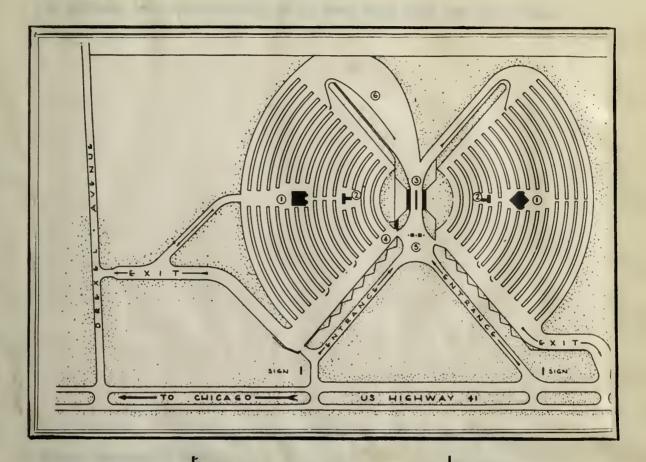
A low fencing carries incoming traffic to the rear ramps. From Exhibit XXXIII the location of structures and exits can be seen. Also from the diagram it can be seen that one of the theatres evacuates into a side highway. On the basis of experience, so far, the management calculates that each of the ramp sections can be emptied from capacity in about twelve minutes.2

For admission, with choice of parking in either section, a cashier and two ticket sellers will be used for each of the two ticket booths. With the one ramp section used in the summer of 1948, the maximum number of cars that could be handled with two ticket booths was fifteen a minute.3

Koster, W. C., Manager of the "41 Twin Outdoor Theatre", Milwuakee, Wisconsin.

<sup>3.</sup> 

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### LEGEND

- Concession Bldg.
   Projection Bldgs.
- 3. Screen Tower
- 4. Administration Bldg.
- 5. Ticket Booth
- 6. Holdover Parking

41 Twin Outdoor Theatre for Standard Outdoor Theatre Inc.

Brimeyer-Grellinger-Rose (Architects-Milwaukee, Wisconsin)

EXHIBIT XXXII

The screen tower is 85 feet in height and 80 feet wide. 
The picture in each case will be 62 feet wide with the projection buildings 280 feet away. 
The sound is RCA including in-car speakers.

Projection and concession facilities are in separate structures in each section. The concession buildings also contain the restroom facilities. Each concession building has facilities for outside, as well as inside, service, with a fifteen foot counter opposite the screen so patrons can watch the perforamnce while having refreshments. There are speakers in the canopy overhanging the counter. Also, at the ticket booths are popcorn warmers, and patrons may purchase the confection from ticket sellers.

As many as 1,050 people have been served during intermissions of ten minutes.<sup>3</sup> Many patrons coming early to get a good ramp position for the first performance, eat only a light supper, expecting to fill out their evening meal in the drive-in.<sup>4</sup> The average concession sales at the "41" has been 32¢, and total sales have been close to 40% of box office gross receipts.<sup>5</sup>

When drive-in theatres first were introduced toward the beginning of the 1940's they were considered a passing novelty, something that wouldn't last. Today people are flocking to drive-ins by the hundreds and thousands. Appeal is made to the entire family, something many think has been overlooked in the indoor theatres. A new market is opening for the motion picture; will this help the

<sup>1.</sup> Ibid.

<sup>2.</sup> Ibid.

<sup>3.</sup> Ibid.

<sup>4.</sup> Ibid.

<sup>5.</sup> Ibid.

<sup>6.</sup> Jackson, Jack, Showmen's Trade Review, May 1, 1948, p. 23.

\_\_\_\_\_ The state of the s The second secon ---the state of the s The second secon The second secon The second secon motion picture business to continue to take the largest percentage of the consumer entertainment dollar? This new market consists of those cripples and invalids who were unable to attend the indoor movies because of their handicaps. Now these people can sit in a car rather than wait in line to get into the theatre. Now that the automobile is starting to roll off the assembly line in increasing numbers, and the highway is being repaired and improved, look for an increase in the business at drive-ins.

Just before leaving this subject, it might be well to list a few of the possibly unpleasant things that must be taken into consideration if any group is planning to build a drive-in theatre:

- 1. How many days will you be able to operate this type of theatre?
- 2. Before buying or leasing property get the people who will live close to the drive-in to approve of the undertaking. It is better to do it first rather than later find a complaint petition facing you.
- 3. How close are you to the sewer, water and light and power lines? These are among the most expensive items in the construction of a drive-in.
- 4. Construction costs run from \$40,000 upward depending upon location, choice of building material, equipment, and local labor conditions.
- 5. Determine in advance the number of automobiles in the vicinity and the accessibility of good roads so that patrons can get to the drive-in.

L. Ibid.

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6. Finally, try to avoid proximity to insect breeding places. These termites can do much harm to business.

TELEVISION

At this time it is difficult to determine the effect that television will have on the motion picture. Various opinions have been written, and various surveys have been taken with an attempt to come to some sound answers. It is therefore the intention of the writer to present these opinions and surveys.

"It has been our privilege to talk to many theatre men during the past few months about their views on television and how they thought it would affect motion picture theatre business.

'It did not take long to find out that the angle which interested them most was the possibility of projected television in the theatre. This, they seemed to feel, was the one phase that could help them or hurt them. Help them if they installed such equipment. Hurt them if they didn't.

'The cost element is the puzzling factor. They recall that fabulous sums were spent for sound equipment that was sold a few years later for one-quarter of what they had paid for it.

'Strangely enough, most of the theatre men did not see any great threat in television keeping people away from the good movies. The majority were of the coinion that television would simply replace radio as a stay-at-home attraction.

'While television cannot be ignored, on the other hand, the questions it poses must not deter theatre men from continuing to operate good, clean and attractive theatres while at the same time they should accentuate the positive: that they offer the biggest dollar's worth of entertainment for a dollar of any medium now in existence."

One of theatre television's most ardent supporters, Spyros Skouras, president of Twentieth Century-Fox thinks that it will

<sup>1.</sup> Lewis, Chick, Editor of Showmen's Trade Review, 1501 Broadway, New York, N. Y., January 22, 1949, p. 5.

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change the entire pattern of show business. He believes that in the future theatres will be interconnected for the showing of Hollywood features, Broadway shows, the opera, and special spot pickups. He believes that home television, used as an advertising medium by the movies, will help attract to these theatres some of the millions of Americans who now do not attend movies.

"We're not hurt yet, but look out". That's what exhibitors in the area covered by the new television network think about it.

There are not enough television sets around to bring the new medium into competitive position. As more stations join the networks, and more sets are installed in the homes, the buying power of television naturally increases, and more and more feature pictures will find their way onto the air.

Although no exact figures are available, it is estimated that, had all sets been tuned in, some 10,000,000 viewers could have witnessed the first east—west network broadcast on January 11.

Novertheless, managers in the fourteen cities affected report that not only was there no drop in attendance, but that business was even slightly better than in the preceeding days.<sup>3</sup>

The Motion Picture Herald correspondent in Buffalo, New York stated 4that exhibitors in that are had not felt any impact of tele-vision so far, but added significantly, that with only 10,000 sets operating, the situation may change.

Printer's Ink, 205 East 42nd Street, N. Y., February 18, 1949, p.5.
 Motion Picture Herald, Quigley Publishing Co., Rockefeller Center, N. Y., January 22, 1949, p. 12-15.

<sup>3.</sup> Ibid.

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Philadelphia exhibitors also stated that they didn't feel any drop because of the network link-up, but that they were not minimizing the threat implied in the prediction that by the end of 1949 there would be 200,000 sets operating.

Both Boston and Pittsburghreported no noticeable effect of the opening of the network on theatres.<sup>2</sup> In Baltimore, Robert M. Scheck<sup>3</sup> operating the Lord Baltimore, a neighborhood theatres, thought business was off as a result of bad pictures rather than of television.

And so reports came in from other cities such as Chicago,
New York, Cleveland, Milwaukee, and St. Louis; the story was the sameno effect as yet, but they are on the lookout.

"Television is going to be a big bang and we can't discount it. I'm not selling out though. I still have a strong belief in the movies. To make good pictures it takes time and money and television so far has neither. It must be remembered that some of the high production costs on the coast are actually due to a sincere desire to make good pictures. Who knows; perhaps we'll make everything for television."4

The State of Pennsylvania is the first state to come out with a censorship for television. Maryland is reported as also planning to censor all video films. The question now comes as to whether this will be adopted by the other states.

Television film producers, any of whom have announced ambitious plans within the past few months of 1949, still are contributing only a negligible number of pictures for television. A

l. Ibid.

Ibid.
 Ibid.

<sup>4.</sup> Disney, Walt, Motion Picture Herald, Quigley Publishing Company, Rockefeller Center, N. Y., February 5, 1949, p. 38.

number of large companies, such as Twentieth Century-Fox and the Selznick Organization, announced plans and then dropped them. The large studios with their considerable overhead, so far, have been unable to turn out television films within the budget requirements.

One final look will be given to a study made in May, 1948, by Hofstra College (Hempstead, New York) of television's effect on family activity; this survey was under the direction of Dr. Thomas E. Coffin, head of the psychology department. To indicate changes and trends since the original survey, Hofstra reinterviewed the same people six months later, adding more cases to increase reliability.

The survey compares the activities of television families with those of comparable non-television families during a sample week in November, 1948. The general trend of the figures tabulated (Exhibit XXXIII) thus far suggests that television is continuing to have an equal or perhaps slightly greater influence on other activities than was apparent last spring.

Last spring Dr. Coffin found that the rate of movie attendance was 20% lower among television families than among non-television neighbors. Six months later, attendance is 30% lower in the television group than in the non-television group. Both classes of families attended slightly less in November than in May, television families less than non-television.

It thus seems to the writer that it is impossible at this time to predict the outcome of television on the motion picture theatre attendance. To date the effect has not been too noticeable, but we must keep in mind the fact that television is in its infancy.

<sup>1.</sup> Printer's Ink, 205 East 42nd Street, N. Y., February 18, 1949, p. 70.

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#### Movie attendances per 100 persons

|          | Non TV   | TV       | % decline   |
|----------|----------|----------|-------------|
|          | families | families | in TV group |
| May      | 61.6     | 49.2     | 20%         |
| November | 55.7     | 38.9     | 30%         |

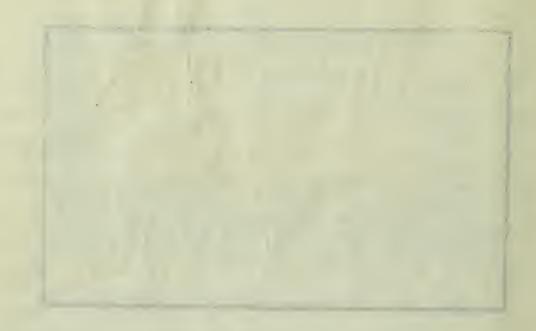
Last spring radio listening, especially at night, had suffered perhaps more heavily in television families than had any other form of activity; this continued to be true last fall.

### Median listening hours per family per day

|            | Non TV<br>families | TV<br>families | % decline<br>in TV group |
|------------|--------------------|----------------|--------------------------|
| Daytime:   |                    |                |                          |
| May        | 3.5                | 2.6            | 26%                      |
| November   | 3.05               | 1.96           | 26%<br>36%               |
| Nighttime: |                    |                | ,•                       |
| May        | 3.4                | 1.1            | 68%                      |
| November   | 3.56               | 0.95           | 68%<br>73%               |
|            |                    |                | , ,                      |

### EXHIBIT XXXIII

<sup>1.</sup> Printer's Ink, 205 East 42nd Street, N.Y., February 18, 1949, p.70.



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#### CONCLUSION

An attempt has been made to cover in a limited space the various phases of theatrical operation as they function in the present day theatrical chains. Each chapter was intended to show how the various operations are being carried out under present day conditions. Wherever possible, specific cases were used to emphasize the pertinent points. In several instances, such as the chapter on Finance, Budgeting, and Auditing and Accounting, the material is extremely scarce; this was due to the unwillingness of chain managements to cooperate and release figures, even those of a hypothetical nature.

Many managers and theatrical men were consulted, many theatres were visited for first-hand observations, and many periodicals were read for up-to-date information. The writer has tried to assemble these in an orderly fashion for the reader's attention.

The final chapter is an attempt to get an insight into the future of the motion picture business and thus to determine the possibilities for theatre chains. It will be noticed that at this time there are momentous decisions that are being made in this field of entertainment. The innovation of television and its affect on theatres, and the breaking up of large chain organizations.

In final summary the author has attempted to gather into one paper the opinions of many theatrical men and their ideas concerning the various phases of theatrical organization and management.

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Section 5 Section 12 Section 13 Section 14 Sections 32-44 Section 75

Radio Station WMAJ, State College, Pennsylvania

United States vs. Paramount Pictures Incorporated, et al. Civil action No. 87-273 in the district court of the United States for the southern district of New York, amended and supplemental complaint, November 14, 1940

Woodfords Press, Portland, Maine



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC SAFETY

# LAWS

RELATING TO THE
ERECTION, ALTERATION, INSPECTION
AND USE OF BUILDINGS



FORM A

Revised 12/2/47

Appendix A



# LAWS RELATING TO THE ERECTION, ALTERATION, INSPECTION AND USE OF BUILDINGS

General Laws, Chapter 143 As Amended By Chapter 694, Acts of 1941, Chapter 544 and 546, Acts of 1943, Chapter 3, Acts Special Session 1944, Chapter 472, 473, 474, 478, 480, 482, 510, 526, 533, 536, 645, 674, 697, 700, and 722, Acts of 1945, Chapter 327, 363, 423 and 495, Acts of 1946, and Chapter 631, 643, 645, 646, 648 and 654, Acts of 1947.

LAW GOVERNING INSPECTION, REGULATION AND LICENSES FOR BUILDINGS

#### GENERAL PROVISIONS

Section 1. In this chapter the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings:

"Alteration", change in or addition to a building which reduces the means of exit or fire resistence or changes its structural support, use or occupancy.

"Building", a combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property. For the purpose of this definition "roof" shall include an awning or any similar covering, whether or not permanent in nature. The word "building" shall be construed where the context requires as though followed by the words "or part or parts thereof".

"Commissioner", the commissioner of public safety.

"Department", department of public safety.

"Inspector", an inspector of the division of inspection of the department; provided, that in the sections referred to in section thirty-three "inspector" shall mean an inspector of buildings of a city, town or district referred to in section three if the provisions of said section thirty-three relative thereto so indicate; and provided, further, that in sections sixty-three to sixty-six, inclusive, "inspector" shall include a building inspector of a city or town or an inspector of a district referred to in section three.

"Inspector of Buildings", a building inspector of a city or town.

"Miscellaneous Hall", a building or part thereof containing an assembly hall with a seating capacity of not more than four hundred, a society hall, or a hall in a public or private school building.

"flace of assembly", any building designed, constructed, reconstructed, remodeled, altered, used, or intended to be used, for fifty or more persons to assemble therein for any of the following:- Dance halls; cabarets; restaurants, including the type of restaurant commonly known as a night club; all places in which alcoholic beverages are sold or for sale to be consumed on the

premises; any room or space used for public or private banquets, feasts, dances, socials, card parties, or weddings or religious services except in the case of funerals in private homes; lodge and meeting halls or rooms; skating rinks; gymnasiums; swimming pools; billiard, pool, bowling and table tennis rooms; halls or rooms used for public or private catering purposes; funeral parlors; recreation rooms; broadcasting studios; school and college auditoriums; and all other places of similar occupancy. Nothing in this paragraph shall apply to a single family or two-family dwelling, or to a place of incarceration or detention, a convent, a monastery, a church, a synagogue, a theatre, a special hall, a public hall, or a schoolhouse.

"Public building", any building or part thereof used as a public or private institution, schoolhouse, church, theatre, special hall, public hall or miscellaneous hall.

"Public hall", any building or part thereof, except theatres, churches and schools, containing an assembly hall with a seating capacity of more than four hundred and used for public gatherings and for such entertainments, not requiring the use of scenery and other stage appliances, as the licensing officer may approve.

"Repair", the reconstruction or renewal of a building or part thereof damaged by fire or other cause.

"Special hall", a building or part thereof containing an assembly hall with a seating capacity of more than four hundred which may be used for occasional performances for the entertainment of spectators, or, with the approval of the department, for continuous performances for the entertainment thereof in any year between June twentieth and September twentieth, with the use of scenery, under such conditions as the licensing officer shall direct, and for public gatherings.

"Story", any horizontal portion through a building between floor and ceiling of which the ceiling is six feet or more above the average grade of the sidewalk or ground adjoining.

"Structure", a combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, mast for radio antenna or the like. The word "structure" shall be construed, where the context allows, as though followed by the words "or part or parts thereof".

"Supervisor of plans", a building inspector of the division of inspection of the department of public safety designated by the commissioner of public safety to receive the plans and specifications of all buildings subject to this chapter, to be erected or in which alterations are to be made, and to act officially upon them under the direction of the chief of inspections of the department of public safety. (See Section 33).

"Theatre", a building or part thereof in which it is intended to make a business of the presentation of per-

formances for the entertainment of spectators, which has a seating capacity of more than four hundred, with a stage which can be used for scenery and other stage appliances.

Section 2. In a city no building shall be erected to a height of more than one hundred and twenty-five feet above the grade of the street; but this restriction shall not apply to grain or coal elevators or sugar refineries, nor to steeples, domes, towers or cupolas erected for strictly ornamental purposes, of fireproof material, on buildings of the above height or less. The supreme judicial or superior court may enforce this section and restrain any violation thereof. This section shall not apply to Boston.

### INSPECTION OF BUILDINGS

Section 3. Every city, subject to the provisions of its charter and of any amendments thereto, and of any special law, relative to the enactment of ordinances, and every town, for the prevention of fire and the preservation of life, health and morals, by ordinances or by-laws consistent with law and applicable throughout the whole or any defined part of its territory, may regulate the inspection, materials, construction, alteration, repair, height, area, location and use, and may require permits or licenses therefor, of buildings and other structures within its limits, except such as are owned or occupied by the United States, or owned or occupied by the United States, or owned or occupied by the United States, or owned or occupied by the commonwealth or by any county, and except bridges, quays and wharves, and may prescribe penalties not exceeding one hundred dollars for every violation of such ordinances or by-laws.

Two or more adjoining cities or towns may by vote, in a city by the city council and in a town by a town meeting, form a district for any or all of the purposes set forth in the first paragraph of this section and for the purpose of appointing an inspector of buildings in saff district for the enforcement therein of the intent of such purposes and of such other provisions of this chapter as it may thereunder be his duty to enforce. Said inspector of buildings shall be appointed, and may at pleasure be removed, by a joint committee composed of the mayor or chairman or the board of selectmen, of each such city or town. The committee shall determine the relative amount of service to be performed by such inspector of buildings in each such city or town, fix his salary, together with incidental expenses of the office, apportion the amount of such salary and expenses to be paid by each such city or town and certify the same to the treasurer thereof. Any constituent city or town by vote may withdraw from the district at the end of any fiscal year if such withdrawal is voted in the manner aforesaid not less than sixty days prior to the end of any fiscal year and notice of such vote filed with each other city and town in the district.

Any city, town or district subject to this section may petition the board of standards to propose regulations relative to the construction, alteration and maintenance of buildings and other structures in such city, town or district, as the case may be; provided, that such petition shall have been authorized, in such a city by vote of its city council, or in such a town by vote of the town, or in such a district by vote of its district committee. A certified copy of such proposed regulations shall forthwith be filed by the board in the office of the state secretary, and with the clerk of such city or town, or with the district committee of such district, shall be specifically identified in the records of such offices, and shall be open to public inspection. If such regulations are thereafter adoepted, in a city by vote of its city council, in a town by vote of the town, or in a district by vote of its district committee, they shall thereupon be effective in such city, town or district, and in a city shall have the effect of ordinances and in a town of by-laws. The procedure for the amendment of such regulations shall, as nearly as possible, conform to that for the original adoption thereof; provided, that if the city, town or district shall fail to petition for the proposal of an amendment which the board of standards deems necessary, said board may of its own motion propose such amendment, shall notify such city, town or district in writing of the same and shall file a certified copy thereof, specifically identified, in the office of the state secretary and with the clerk of such city or town, or with the district committee of such district. Baid board shall cause said ordinances, by-laws or regulations, as the case may be, including any duly accepted amendments thereto, with their proper identification, to be printed in pamphlet form, and shall furnish to any city, town, district or person such printed forms upon the payment of a fee to be approved by the commission on administration and finance.

Except as otherwise provided, all provisions of this chapter shall be binding, without further acceptance, upon each city, town or district in which the provisions of this section are in force and upon such officers or boards therein who, under this section or under any ordinance, by-law or rule or regulation authorized by this section may be charged with the duty of inspecting, or issuing permits for, the construction, alteration, repair, height, rea, location or use of buildings or other structures within the limits of such city, town or district.

Nothing in this chapter shall be construed as prohibiting any city or town in which the provisions of this section are in force, but subject however, in the case of a city to the provisions of any special law relative thereto, from imposing, by ordinance or by-law, further restrictions, in accordance with the generally accepted standards of engineering practice and not inconsistent with law, relative to any building or other structure within its limits which is subject to this section; but no such city or town shall have power to minimize, avoid or repeal any provision of this chapter.

Section 3A. For the purpose of enforcing the laws, ordinances, by-laws and rules and regulations relative to places of assembly the officer or board of a city, town or district in which the provisions of section three are in force, who, under section three, or under any ordinance, by-raw or rule or regulation authorized thereunder, is charged with the duty of inspecting, or issuing permits for, the construction, alteration, repair, height, area, location or use of buildings or other structures within the limits of such city, town or district, shall be the authorized representative of the commissioner for the enforcement of such laws relating to places of assembly as he may, under sections three, three B, three D, three G and twentyone B, or any of said sections, or any ordinance, by-law or rule or regulation authorized thereunder, have the duty to enforce, and for the enforcement of such provisions of this chapter as, under section thirty-three, may be the duty of such officer or board. In any city in which the provisions of section three are not in force, an inspector of the division of inspection shall be the authorized representative of the commissioner for the purpose of enforcing all laws, and all ordinances, rules and regulations, relative to places of assembly therein. If there is no such officer or board in a town which is not within such a district, the board of selectmen thereof shall be the authorized representative for the purpose of enforcing, except as otherwise provided, all laws, and all by-laws, rules and regulations relative to places of assembly therein.

Section 3B. The board of standards in the department shall make rules and regulations relating to the construction, alteration, repair, demolition, removal, use or occupancy, and to the standards of materials to be used in such construction, reconstruction, alteration, repair, demolition, removal, use or occupancy of any building, portion of a building or room which, under section one, shall be deemed to be a place of assembly; and such rules and regulations shall be in accordance with the generally accepted standards of engineering practice and not inconsistent with law. Such rules and regulations may provide that no permit for use or occupancy of a place of assembly shall be granted unless there is presented with the application for such a permit a certificate of the inspector to the effect that the building of which such place of assembly is a part complies with the pertinent provisions of this chapter. The attorney general shall assist the board in framing such rules and regulations. Said board shall thereupon transmit such rules and regulations to the commissioner who, within ten days thereafter, shall deposit a copy thereof with the state secretary, and the same shall become effective when state secretary, and the same shall become effective wh so deposited. One copy of each issue of such rules and regulations shall be forwarded by the commissioner to each of his authorized representatives, as referred to in section three A, and the registry return receipts therefor shall be filed in the department. The clerk of each shalf be filed in the department. The clerk of each city and town shall annually, not later than April first, transmit to the commissioner in writing the name and official address of each such authorized representative, except an inspector of the division of inspections, in his city or town. The board shall hold public hearings annually, on the first Monday in May and October, and at such other times as it may determine, on petitions for changes in the rules and regulations formulated by it. If after any such hearing, it shall deem it advisable to make changes in said rules and regulations, it shall appoint a day for further hearing, and shall give notice thereof and of the changes proposed by advertising in at least one

newspaper in each of the cities of Boston, Worcester, Springfield, Fall River, Lowell and Lynn, at least ten days before said hearing. If the board on its own initiative contemplates changes in said rules and regulations, like notice and a hearing shall be given and held before the adoption thereof.

Section 3C. REPEALED - Chapter 645, Acts of 1945

Section 3D. The commissioner, or his authorized representative referred to in section three A, may inspect at any time any theatre, special hall, public hall, schoolhouse, church or any building, portion of a building or room in which any place of assembly is located, for the purpose of ascertaining whether or not there is or has been a violation of any law, rule or regulation, ordinance or by-law relative to places of assembly, and shall report any such violation to the officer or board charged with the duty of the enforcement thereof. The commissioner may require that any building, portion of a building or room which, by reason of use or occupancy, may be deemed to be a place of assembly shall comply with all pertinent provisions of the laws, rules and regulations, ordinances and by-laws relative to such places of assembly, and may order any such authorized representative to take any action which the commissioner deems necessary to compel compliance with any provision with the duty of the enforcement of which, under sections three, three A and three B, or any of said sections, said representative is charged.

Notwithstanding the above, nothing in this chapter, except as otherwise provided in section three, shall limit the authority or responsibility of any such representative conferred or imposed upon him by ordinance or by-law or, in a district provided for by section three, by rule or regulation.

Section 3E. REPEALED - Chapter 645, Acts of 1945.

Section 3F. REPEALED - Chapter 645, Acts of 1945.

Section 3G. The authorized representative of the commissioner, referred to in section three A, shall determine the maximum number of persons to be permitted in any place of assembly at any one time, and said authorized representative shall from time to time issue his certificate stating definitely such maximum number of persons, which certificate shall be posted and at all times remain open to public inspection within such place of assembly.

Section 3H. Sections three, three A, three B, three D and three G shall apply to all municipal buildings, except schoolhouses, which are used in whole or in part as places of assembly, as well as to all private buildings used for the same purposes.

Section 3I. The clerk of each city and town shall, forthwith upon the effective date of this section, forward to the board of standards complete certified copies of any ordinances, by-laws or regulations, as the case may be, relating to the construction, reconstruction, alteration,

repair, demolition, removal, use or occupancy and to the standards of materials to be used in such construction, reconstruction, alteration, repair, demolition, removal, use or occupancy, of buildings or other structures used for dwelling purposes in such city or town, or a statement in writing certifying that no such ordinances, by-laws or regulations exist. Upon receipt of the foregoing information the board shall proceed to examine such ordinances, by-laws or regulations, if such exist.

If, upon the receipt of the information set forth in the preceding paragraph, or at any time thereafter, the board finds that there exist in such city or town no such ordinances, by-laws or regulations, or that such ordinances, by-laws or regulations fail to meet the minimum requirements relating to safety, to the prevention of fire and the preservation of life, health and morals, as referred to in the succeeding paragraph, said board shall thereupon, in writing and by registered mail, return receipt requested, direct to the attention of the mayor or other governing body of the city, or the selectmen of the town, as the case may be, the provisions of section three of this chapter relative to such construction, reconstruction, alteration, repair, demolition, removal, use or occupancy, with particular reference to the paragraph inserted in said section three by chapter four hundred and twenty-three of the acts of nine-teen hundred and forty-six.

If, following receipt of the notification referred to in the preceding paragraph a city within six months, or a town at the next annual town meeting, provided said meeting occurs not less than four months subsequent to such notification, otherwise at the second annual town meeting subsequent to such notification, fails to avail itself of the provisions of the first paragraph of section three and the paragraph in said section three inserted as aforesaid, relative to minimum requirements relating to the prevention of fire and the preservation of life, health and morals, said board shall forthwith prepare and deliver to the mayor or other governing body, or the selectmen, as the case may be, written regulations relative to the inspection, materials, construction, alteration, repair, height, area, location and use of buildings or other structures therein used for dwelling purpose, for the prevention of fire and the preservation of life, health and morals in such city or town, such regulations as to any such city or town, after consultation with such of the officers, if any, of such city or town as may be concerned with the administration or enforcement thereof, or, in a town in which there is no such officer or board, the board of selectmen, to be so framed as to meet the peculiar needs of such city or town, and to consist of the minimum requirements as to the inspection, materials, construction, alteration, repair, height, area, location and use of buildings or other structures and to be in conformity with accepted standards of engineering practice, of fire prevention practice or of public health practice in relation to health, sanitation and the prevention of the spread of disease, as the case may be, and such accepted standards of practice apply to buildings or structures used for dwelling purposes. Said board shall thereupon file a certified copy of such regulations with

or town clerk, but such regulations shall not ive unless accepted, in such city by vote of the council or in such town by vote of the town.

The board of standards shall make and, to time, may amend, alter or repeal, regulafrom r forth alternatives to the materials and tions : method of construction, specified in the to the , e requirement. ontained or to be contained in any ordinance, by-1s rule or regulation, or in any special law applicable to a particular city or town relating to the construction, removal use or occupancy, and to the standards of materials to e used in such construction, reconstruction, recon alteration, ; pair, demolition, removal, use or occupancy, of buildings or other structures used for dwelling purposes in any city or town, or in a district referred to in section three, such regulations to be so drafted that such alternatives shall provide adequate performance for the purposes for which their use is intended, such adequate nce to be determined in conformity to accepted engineering practice as to the materials and perfor standa od of construction therein referred to, or The board shall deposit a certified copy type o any of of suc! lations with the state secretary and upon t said regulations shall have the force of law. such de

The bo of standards shall transmit forthwith three copies or aid regulations, by registered mail, return receipt releasted, to the commissioner, to each inspector, to the inspectors of buildings and to the clerk of each city and to a; and one copy of such regulations shall be made available to the public at all reasonable hours in the office of the clerk of each city and town. Copies of amendments or alterations to, or repeals of, any such regulations shall be similarly deposited, transmitted and made available to the public.

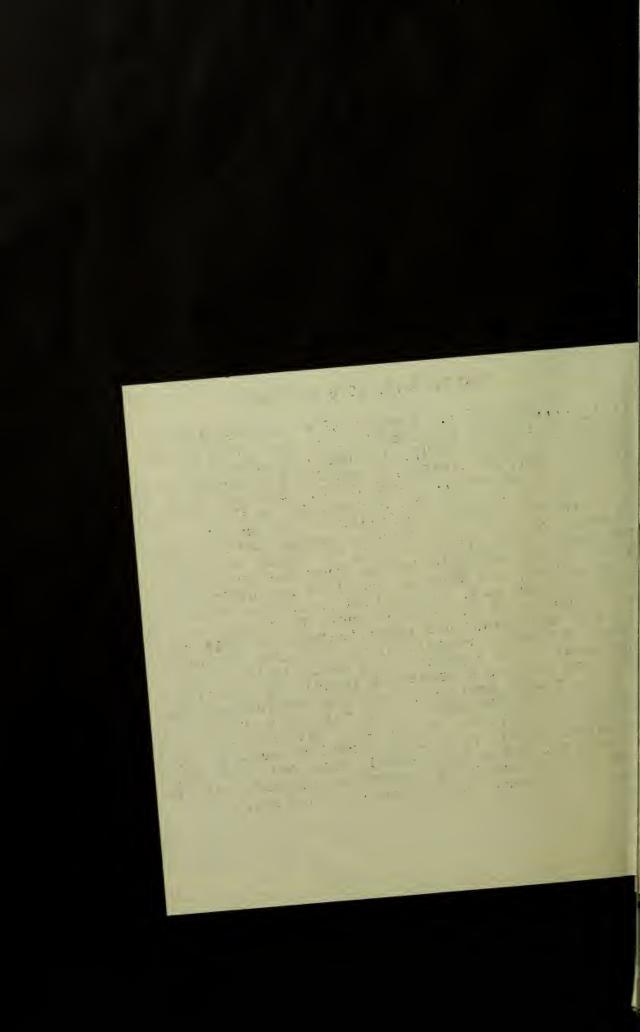
The board of standards shall hold public hearings at Boston annually, on the first Monday in May and October; and at such other times and places as it may determine, on petitions for changes in such regulations formulated by it under this section. If, after any such hearing, it shall deem it advisable to make changes in said regulations, it shall appoint a day for a further hearing, and shall give notice thereof and of the changes proposed by advertising in at least one newspaper in each of the cities of Boston, Worcester, Springfield, Fall River, Lowell and Lynn, at least ten days before said hearing. If the board on its own initiative contemplates changes in said regulations, like notice and a hearing shall be given and held before the adoption thereof.

For the purposes of this section and section three I, the attorney general, the commissioner of public health, the board of plumbing examiners, the board of electrical examiners, the board of fire prevention regulations and the board of boiler rules shall assist the board in framing such regulations.

Section 3K. In cases where the plans and specifications

# CHAPTER 438, ACTS OF 1948

.........SECTION 1. Section 3I of chapter 143 of the General Laws, inserted by section 1 of chapter 631 of the acts of 1947, is hereby amended by striking out, in lines 6, 8 and 27, the words:-demolition, removal,. SECTION 2. Section 3K of said chapter 143, as so inserted, is hereby amended by adding at the end the following paragraph:-In cases in which the plans and specifications accompanying an application fail to comply with the provisions referred to in the first paragraph of this section, and existing regulations setting forth alternatives, as provided in section three J, do not apply, in whole or in part, to those portions of such plans and specifications as fail to comply with said provisions, an inspector of buildings shall issue a permit or a certificate if the applicant submits a statement in writing, certified by a registered engineer, that the portions of such plans and specifications which fail so to comply and to which existing regulations setting forth alternatives cannot be applied, provide adequate performance for which their use is intended, such adequate performance to be determined in conformity to accepted standards of engineering practice.



accompanying an application fail to comply with the provisions of ordinances, by-laws or regulations, or any special law applicable to a particular city or town and relative to such construction, reconstruction, alteration, repair, demolition, removal, use or occupancy, an inspector of buildings shall issue a permit or certificate for such construction, reconstruction, alteration, repair, demolition, removal, use or occupancy if said plans and specifications comply with the alternatives set forth in the regulations referred to in section three J.

Section 4. In a town which accepts this and the following section or has accepted corresponding provisions of earlier laws, no dwelling house or other structure more than eight feet in length or breadth and seven feet in height, except detached houses or structures situated more than one hundred feet from any other building and wooden structures erected on wooden wharves, shall be built within such limits as the town may from time to time prescribe, unless made of and covered with an incombustible material, or unless a license is granted therefor by the selectmen for public good or necessity and recorded in the town records.

Section 5. A building or structure erected in violation of the preceding section shall be deemed a common nuisance without other proof thereof than proof of its un-

lawful construction and use; and the selectmen may abate and remove it in the same manner in which boards of health may remove nuisances under sections one hundred and twenty-three to one hundred and twenty-five inclusive, of chapter one hundred and eleven.

Section 6. In a city or town wherein there is in force a building code, so called, established under authority of section three or corresponding provisions of earlier law or established by or under authority of any other provision of law the superintendent of public buildings or such other person as the mayor of such city or the selectmen of such town may designate shall be inspector of buildings, and, immediately upon being informed by report or otherwise that a building or other structure or anything attached to or connected therewith in that city or town is dangerous to life or limb, shall inspect the same; and if it appears to him to be dangerous he shall forthwith in writing notify the owner, agent or any person having an interest therein to remove it or make it safe. If it appears that such structure would be specially unsafe in case of fire, it shall be deemed dangerous within the meaning hereof, and the inspector of buildings may affix in a conspicuous place upon its exterior walls a notice of its dangerous condition, which shall not be removed or defaced without authority from him.

Section 7. Any person so notified shall be allowed until twelve o'clock noon of the day following the service of the notice in which to begin to remove such structure or make it safe, and he shall employ sufficient labor speedily to make it safe or remove it; but if the public safety so requires and if the aldermen or selectmen so order, the inspector of buildings may immediately enter upon the premises with the necessary workmen and assistants and cause such unsafe structure to be made safe or taken down without delay, and a proper fence put up for the protection of passers-by.

Section 8. If an owner, agent or person interested in such unsafe structure refuses or neglects to comply with the requirements of such notice within the time limited, and such structure is not made safe or taken down as therein ordered, a careful survey of the premises shall be made by a board consisting in a city of the city engineer, the head of the fire department, as such term is defined in section one of chapter one hundred and forty-eight, and one disinterested person to be appointed by the inspector of buildings, and in a town of a surveyor, the head of the fire department and one disinterested person to be appointed by the inspector of buildings. If there is no city engineer in such city or no head of the fire department in such city or town, the mayor or selectmen shall designate one or more officers or other suitable persons in place of the officers so named as members of said board. A written report of such survey snall be made, and a copy thereof served on such owner, agent or interested person.

Section 9. If such report declares such structure to be dangerous, and if the owner, agent or person interested continues such refusal or neglect, the inspector of buildings shall cause it to be made safe or taken down, and, if the public safety so requires, said inspector may at once

enter the structure, the land on which it stands or the abutting land or buildings, with such assistance as he may require, and secure or remove the same, and may remove and evict, under the pertinent provisions of chapter two hundred and thirty-nine or otherwise, any tenant or occupant thereof, and may erect such protection for the public by proper fence or otherwise as may be necessary, and for this purpose may close a public highway. The costs and charges incurred shall constitute a lien upon the land upon which the building is located, and shall be enforced within the time and in the manner provided for the collection of taxes on land; and such owner or interested person shall, for every day's continuance of such refusal or neglect after being so notified, forfeit to the city or town in which the structure is located not less than ten nor more than fifty dollars. During the time such order is in effect it shall be unlawful to use or occupy such structure or any portion thereof for any purpose.

Section 9A. If, by any act done by an officer of a city or town for the purpose of making safe or taking down any dangerous structure, any real estate other than such structure or the parcel of land upon which it stands is taken, used or injured, any person owning an interest in such real estate and not having an interest in such dangerous structure may recover damages for such taking, use or injury from such city or town in a petition for the assessment thereof under chapter seventy-nine filed in the superior court for the county in which such real estate is situated within one year after such taking, use or injury; provided, that if such taking, use or injury occurred not more than three years prior to the effective date of this section, said petition may be filed not more than one year after said effective date.

Section 10. An owner or interested person aggrieved by such order may have the remedy prescribed by section two of chapter one hundred and thirty-nine; provided, that no provision of said section two shall be construed so as to hinder, delay or prevent the inspector acting and proceeding under section nine; and provided, further, that this section shall not prevent the city or town from recovering the forfeiture provided in said section nine from the date of the service of the original notice, unless the order is annulled by the jury.

Section 11. If an owner or interested person lives out of the commonwealth, the notice required by section six may be served upon him by a notary public, whose certificate of service under his notarial seal shall be sufficient evidence thereof.

Section 12. The supreme judicial or superior court may restrain the construction, alteration, repair, maintenance or use of a building or structure in violation of any ordinance or by-law of a city or town and order its removal or abatement as a nuisance; and may restrain the further construction, alteration or repair, maintenance, use or occupancy of a building or structure reported to be dangerous, under a survey authorized by section eight, until the determination of the matter, as provided in section ten.

Section 13. Any inspector of the division of inspec-

tion, if called upon by the aldermen of any city or by the selectmen of any town, shall inspect any building or other structure in such city or town, or anything attached to or connected therewith, which has been represented to be dangerous to life or limb.

Section 14. If it appears to such inspector that the building or other structure, or anything attached to or connected therewith, is dangerous to life or limb in case of fire or otherwise, he shall cause it to be removed or rendered safe in the manner provided by sections six to eleven, inclusive, and may cause proceedings to be instituted under section twelve.

Section 15. No building which is designed to be used, or in which alteration shall be made for the purpose of using it, or continuing its use, in whole or in part, as a public building, or as a factory, workshop or mercantile or other establishment, and to have accommodations for ten or more employees, or as a hospital, sanatorium, convalescent or more employees, or as a hospital, sanatorium, convalescent or nursing home, grandstand, stadium, bleacher or arena, and no building more than two stories in height designed to be used above the second story, or in which alteration shall be made for the purpose of using it, or contiuing its use, in whole or in part, as an office building, dormitory, hotel, family hotel, apartment house, boarding house, lodging house or tenement house, and to have eight or more rooms above said story, shall be erected, and no alteration shall be made therein, until a copy of the plans and specifications thereof has been deposited with the supervisor of plans by the person causing its erection or alteravisor of plans by the person causing its erection or alteration or by the architect thereof. Such plans and specifications shall include those for heating, ventilation and sanitation, if the supervisor of plans so requires. Such buildings shall not be so erected or altered without sufficient egresses and other means of escape from fire, properly located and constructed. The supervisor of plans may require that the stairways shall be enclosed, that they shall have suitable landings, that they shall be provided with hand rails, that egress doors and windows shall open outward and have approved hardware, that places of egress shall be properly lighted and designated, and that proper fire stops shall be provided in the floors, walls, partitions a stairways of such buildings. The may make such further repartitions and quirements as may be necessary to prevent the spread of fire or its communication from any steam boiler or heating apparatus therein. The certificate of approval by the super-visor of plans of such plans and specifications, endorsed with the approval of the chief of inspections of the department, or a specification of requirements necessary for compliance with sections fifteen to sixty, inclusive, s forth in detail and so endorsed, shall be issued to the person causing its erection or alteration, or to the architect thereof, and a copy of the same, together with the plans, shall then be turned over to the inspector in whose district the building is to be erected or altered, who shall enforce the requirements thereof and supervise such erection or alteration. After a certificate of approval or a specification of requirement has been issued, no change shall be made in the plans or specifications or in the building without the written permission of the supervisor of plans

Section 16. If no other penalty for the violations hereinafter referred to is provided in this chapter, who-

ever erects, constructs or makes alteration in a building, or draws plans or specifications, or superintends the erection, construction or alteration of a building in violation of sections three A to sixty, inclusive, shall be punished by a fine of not less than fifty nor more than one thousand dollars.

Section 17. If, in the erection of an iron or steel framed building, the spaces between the girders or floor beams of any floor are not filled or covered by the permanent construction of said floors before another story is added to the building, a close plank flooring shall be placed and maintained over such spaces from the time when the beams or girders are placed in position until said permanent construction is applied; but openings protected by a strong hand railing not less than four feet high may be left through said floors for the passage of workmen or material; provided, that when such flooring cannot be used without serious interference with the work of construction, such provisions shall be made to protect the workmen from falling material as the inspector shall direct.

Section 18. In the construction of any iron or steel framed building having a clear story of twenty-five feet elevation or more, a staging with a close plank flooring shall be placed under and not more than ten feet below the under side of the whole extent of the beams, girders or trusses of such story upon which iron or steel workers are working.

Section 19. Violations of any provision of the two preceding sections snall be punished by a fine of not less than fifty nor more than five hundred dollars.

Section 20. The openings of hoistways, hatchways and well holes on every floor of a public building shall be protected by sufficient trapdoors or self-closing hatches or such other safeguards as an inspector directs; and due diligence shall be used to keep such trapdoors closed at all times except when in actual use by the occupant of the building having the use and control of the same. Violations of this section shall be punished by a fine of not more than one hundred dollars.

Section 21. The owner, lessee or mortagee in possession of any building in whole or in part used as a public building or as a factory, workshop, mercantile or other establishment, and which has accommodations for ten or more employees, or of a hospital, sanatorium, convalescent or nursing home, a grandstand, stadium, bleacher or arena, or of an office building, dormitory, hotel, family hotel, apartment house, boarding house, lodging house or tenement house which has eight or more rooms above the second story, or in which ten or more persons are accommodated, lodge or reside above the second story, to which buildings sections fifteen to sixty, inclusive, apply, shall provide such building with proper egresses or other means of escape from fire sufficient for the use of all persons employed, lodged or resident therein; provided, that in all buildings subject to this section, other than mercantile establighments, hotels and buildings used solely for office purposes, such egresses or means of escape from fire shall also be sufficient for the use of all persons accommodated or assembled therein; and, in such mercantile establishments, hotels and buildings used solely for office purpos-

es, shall be sufficient, to the greatest extent compatible, in the opinion of the inspector, with the reasonable use thereof, for the use of all persons accommodated or assembled therein; and provided, further, that no owner, lessee or mortgagee in possession of a building subject to any provision of this section shall be deemed to have violated this provision unless he has been notified in writing by an inspector as to what additional egresses or means of escape from fire are necessary, and for thirty days has neglected or refused to provide the same. The egresses and means of escape shall be kept unobstructed, in good repair and ready for use, and, if the inspector so directs in writing, every such egress shall be properly lighted and provided with a sign having on it the word "Exit" in letters not less than five inches in height, and so made and placed as plainly to indicate to persons within the building the situation of such egresses; and stairways shall have suitable hand rails. There shall be at least two means of egress from each room above the second story in which women or children are employed in a factory, workshop, mercantile or other establishment. Portable seats shall not be allowed in the aisles or passageways of such buildings during any service or entertainment held therein. Stairways on the outside of the building shall have suitable railed landings at each story above the first, accessible at each story from doors or windows, and such landings, doors and windows shall be kept clear of ice, snow and other obstructions.

Section 21A. All doorways and windows which an inspector deems necessary in any building subject to section twenty-one, or which the licensing officer may require under section thirty-four, or which by rules and regulations authorized by section three B are required in places of assembly, as such term is defined in section one, either as exits or as means of egress, shall open in the direction of egress and shall not be so equipped as to be locked, bolted or otherwise fastened so that they cannot be opened from the inside by the use of the ordinary door knob or by pressure on the door or window or on a panic release device, so called. Any place of assembly, as defined in section one, which is wholly or partly below the ground level shall have at least two means of egress to the ground or street level, such means of egress to be located at points as widely separated from one another as may be reasonably feasible.

Section 21B. An inspector may issue a certificate authorizing the installation, maintenance or use of a revolving door as an exit or means of egress from a place of assembly within a building to the outside of such building, if between such place of assembly and such door there exists one or more unobstructed areas of safety, including stairways, exit corridors and similar areas, which are, in the opinion of the inspector, sufficient to accommodate with safety all persons reasonably to be expected to use the same as means of egress or escape from such place of assembly or such building, and said door is of a type known as a collapsible revolving door, having four wings, each of which is independently supported on a pivoted column and each of which is provided with an automatic releasing mechanism of non-corrosive materials which will permit, by means of ordinary pressure exerted upon opposite wings by two persons, the wings to be fold-

ed back on one another like the leaves of a book, there being no brackets, bars, cables, chains or other devices to prevent the folding back of the wings in such manner, and, being of such type, meets with the approval of the commissioner. Such a door shall be accredited as a required means of egress; provided, that the diameter of its enclosure is not less than six feet four inches and that there is on either side of, and immediately adjacent to, said door a required exit of the so-called swing door type.

In such instances, but only as to buildings in existence on July first, nineteen hundred and forty-seven, as the inspector, in accordance with regulations issued by the commissioner under section fifty-four, determines that the nature of the occupancy is such that it is neither practicable nor necessary for the safety of persons who may use such a door to require such additional exits of the so-called swing door type, such additional exits shall not be required and such door shall be accredited as a required means of egress.

During such time as a certificate is outstanding as to any such door, such door shall be inspected, at least once in each period of twelve consecutive months, by an inspector, and such a certificate shall continue in force and effect only while such door is maintained in a safe and operable condition, as evidenced by the affidavit of a person having control of the same filed with the inspector at least once in every period of three consecutive months and by the report of the inspector following such periodic inspection. Such person shall be responsible, both civilly and criminally, for any violation of any of the applicable provisions of law relative to the installation, maintenance or use of such door.

Section 21C. An inspector may issue a certificate authorizing the installation, maintenance or use of a revolving door as an immediate exit or means of egress to the outside of any building subject to sections fifteen, twenty-one or twenty-eight and not as an exit or means of egress from a place of assembly as provided in section twenty-one B, if said door is of a type known as a collapsible revolving door, having four wings, each of which is independently supported on a pivoted column and each of which is provided with an automatic releasing mechanism of non-corrosive materials which will permit, by means of ordinary pressure exerted upon opposite wings by two persons, the wings to be folded back on one another like the leaves of a book, there being no brackets, bars, cables, chains or other devices to prevent the folding back of the wings in such manner, and, being of such type, meets with the approval of the commissioner. Such a door shall be accredited as a required means of egress; provided, that the diameter of its enclosure is not less than six feet four inches and that there is on either side of, and immediately adjacent to said door a required exit of the so-called swing door type.

In such instances as the inspector, in accordance with regulations issued by the commissioner under section fifty-

four, determines that the nature of the occupancy is such that it is neither practicable nor necessary for the safety of persons who may use such a door to require such additional exits of the so-called swing door type, such additional exits shall not be required and such door shall be accredited as a required means of egress if the diameter of its enclosure is not less than six feet.

During such time as a certificate is outstanding as to any such door, such door shall be inspected, at least once in each period of twelve consecutive months, by an inspector, and such a certificate shall continue in force and effect only while such door is maintained in a safe and operable condition, as evidenced by the affidavit of the person having control of the same filed with the inspector at least once in every period of three consecutive months and by the report of the inspector following such periodic inspection.

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person for an alleged violation of any provision of sections twenty-one B or twenty-one C, or both, of chapter one hundred and forty-three of the General Laws, as in force immediately prior to the effective date of this act, shall be commenced or maintained; nor shall any action for a violation of any provision of said sections, as amended by this act, alleged to have occurred within ninety days after the effective date hereof, be commenced or maintained.

Section 22. Any article placed upon a fire escape or an outside means of egress of any building is hereby declared a common nuisance. Any court authorized to issue warrants in criminal cases may, upon complaint under oath made by any police officer that any article is placed or maintained upon a fire escape or outside means of egress of any building, issue a warrant to bring such article when found before a court having jurisdiction of the same, and all articles seized under the authority of such a warrant shall be disposed of in like manner as gaming implements seized under chapter two hundred and seventy-six. Any owner, lessee tenant or occupant of any building who maintains or permits to remain upon any fire escape or outside means of egress of any building any article for more than twenty minutes shall be punished by a fine of not more than one hundred dollars. The existence of any article upon a fire escape or outside means of egress of any building shall be prima facie evidence that such article was so placed, maintained or permitted to remain by the occupant of the premises having access from said building to said fire escape or outside means of egress.

Section 23. Every stairway of every building shall be kept free and unobstructed, and any person who permits any article to remain in any stairway of any building in such a manner as may impede the egress of any person lawfully in said building or the ingress of any person lawfully entitled to enter said building shall be punished by a fine of not more than five hundred dollars. The existence of any article in any such stairway in any building shall be prima facie evidence that it was placed or permitted to remain therein by the owner, lessee, tenant or occupant of the building.

Section 24. The basement and each story of a building which is subject to section twenty-one shall be supplied with means of extinguishing fire, consisting of a hose attached to a suitable water supply and capable of reaching any part of such basement or story, or of such portable apparatus as the inspector shall direct; and such appliance shall be kept at all times ready for use and in good condition.

Section 25. No wooden flue or air duct for heating or ventilating purposes shall be placed or remain placed in any building subject to sections fifteen and twenty-one, and no pipe for conveying hot air or steam in such building shall be placed or remain placed within one inch of any wood-work, unless protected to the satisfaction of the inspector by suitable guards or casings of incombustible material.

Section 26. The audience hall in a building erected or designed to be used in whole or in part as a theatre, or

in which any change or alteration shall be made for the purpose of using it as a theatre, shall not be placed above the second floor of such building. The audience hall and each gallery of every such building shall, respectively, have at least two independent exits, as far apart as may be, and if the audience hall is on the second floor, the stairways from said floor to the ground floor shall be enclosed with fireproof walls, and shall have no connection with the basement or first floor of the building. Every such exit shall have a width of at least twenty inches for every one hundred persons which such hall, or gallery from which it it leads, is capable of holding; but two or more exits of the same aggregate width may be substituted for either of the two required exits. None of the required exits shall be less than five feet wide; provided, that the exits from a gallery capable of holding not more than one hundred and fifty persons may each be less than five feet but not less than three feet wide.

Section 27. The wall or partition between the auditorium and stage of every theatre shall be fireproof or fire resisting on the stage side, for the whole width of the auditorium and the whole height of the auditorium or stage, as the inspector shall direct, and all doors in such wall or partition shall be fireproofed and provided with approved self-closing devices. The proscenium or curtain opening shall have a fire resisting curtain of an incombustible material, properly constructed and operated by approved mechanism. There shall be one or more ventiletors near the center and above the highest part of the stage, equal in area to one tenth of that of the stage floor back of the fire resisting curtain, and arranged so as to open automatically from heat, and by a cord or cords from the stage floor, as the inspector shall direct.

The inspectors shall from time to time ex-Section 28. amine all buildings or structures within their respective jurisdictions which are used as places of assembly or which are subject to sections fifteen to sixty, inclusive. If in the judgment of any such inspector such building or structure conforms to the requirements relative to places of assembly or to the requirements of said sections for buildings or structures of its class, as the case may be, he shall issue to the owner, lessee or occupant thereof a certificate to that effect, specifying the number of persons for whom the egresses and means of escape from fire are sufficient. Such certificate shall continue in force for not more than five years after its date, but while in force it shall be conclusive evidence of a compliance with said sections by the person to whom it is issued. It shall be void if a greater number of persons than is therein specified are accommodated or employed, or assemble, lodge or reside within such building or structure or por-tion thereof, or if such building or structure is used for any purposes materially different from the purpose for which it was used at the time of the granting thereof, or if its interior arrangement is materially altered, or if any egresses or means of escape from fire in such building or structure at the time of granting the said certificate are rendered unavailable or are materially changed. The certificate may be revoked by an inspector at any time upon written notice to the holder thereof or to the occupant of the premises for which it was granted, and shall so be revoked if, in the opinion of the inspector, circumstances have so changed that the existing egresses and means of escape are not proper and sufficient. A copy of said certificate shall be kept posted in a conspicuous place upon each story of such building by the occupant of the premises covered thereby.

Section 29. Upon application to an inspector for a certificate under the preceding section, he shall issue to the applicant an acknowledgment thereof, which for ninety days, pending the granting or refusal of the certificate, shall have the same effect as the certificate, and such acknowledgment may be renewed by him with the same effect for a further period, not exceeding ninety days.

Chapter 3, Acts Special Session, 1944, as amended by Chapter 363, Acts of 1945, and Chapter 149, Acts of 1947

Section 1. Any acknowledgment of an application to an inspector, as such term is defined in section one of chapter one hundred and forty-three of the General Laws, for a certificate of inspection under section twenty-eight of chapter one hundred and forty-three of the General Laws, as amended, which shall have been renewed as provided in section twenty-nine of said chapter one hundred and forty-three, as amended, may be further renewed at any time before March first, nineteen hundred and forty-eight in like manner and with like effect for such further periods of not more than ninety days each as circumstances may require, pending the granting or refusal of the certificate. Such an acknowledgment may be revoked by an inspector, without a hearing and without the assignment of any cause therefor, at any time when in his opinion the public safety requires.

Section 2. Any such acknowledgment which has ceased since September tenth, nineteen hundred and forty-three to have effect by reason solely of the expiration of the period of renewal authorized by said section twenty-nine is hereby revived for the period of thirty days after the effective date of this act for the sole purpose of permitting a further renewal of such acknowledgment under section one of this act, the provisions of which section shall authorize renewals thereof to the same extent as though such period had not expired.

Section 30. If any change shall be made upon premises for which such certificate has been issued or in the use thereof which would render the certificate void according to section twenty-eight, the person making such change shall forthwith give written notice thereof to an inspector for the district or to the commissioner of public safety.

Section 31. If an inspector finds that any building or part thereof subject to sections fifteen to sixty, inclusive, fails to conform thereto, or if any change is made

therein which would render a certificate void under section twenty-eight, he shall give written notice to the owner, lessee, occupant or agent in charge thereof, specifying such additional provisions, egresses or other means of escape from fire as in his opinion may be necessary to make it conform to said section and to obtain a certificate; and any such owner, lessee, occupant or agent in charge thereof failing to comply with such notice for a period of thirty days shall be punished by a fine of not less than fifty nor more than one thousand dollars.

Section 32. If a schoolhouse in any city has not been provided with a safe and proper egress or other means of escape from fire, as required by sections fifteen to sixty, inclusive, within six months after the written notice provided for in the preceding section, the mayor, for the purpose of conforming to the provisions of this chapter relative to egresses or other means of escape from fire in schoolhouses, may, upon petition of one hundred citizens or taxpayers in such city, authorize the expenditure upon such schoolhouse of not more than fifteen per cent of the cost thereof, payable from any money in the treasury of that city which is not otherwise appropriated.

Section 33. In every city, town and district wherein there is in force a building code, so called, established under authority of section three or corresponding provisions of earlier law or established by or under authority of any other provision of law, the provisions of sections fifteen, seventeen, twenty, twenty-one, twenty-one A, twenty-four, twenty-five, twenty-eight, twenty-nine, thirty, thirty-one, forty-two, forty-three, forty-nine, fifty-one, fifty-two, fifty-three, fifty-four, fifty-seven and fifty-nine relative to buildings other than churches, theatres, special halls, public halls, schoolhouses and buildings owned or occupied by the commonwealth or by any county, or other than hospitals, sanatoria, convalescent or nursing homes, hotels, family hotels, grandstands, stadia, bleachers or arenas, shall, unless otherwise privided, be enforced by the inspector or inspector of buildings of such city, town or district and the terms "supervisor of plans", "chief of inspections" and "inspector", as used in said sections and in sections fifty-five and fifty-six, shall include an inspector of buildings of such city, town or district, and shall be enforced in accordance with the regulations authorized by section fifty-four; in all other cities and towns the provisions of said sections shall be enforced in accordance with their specific terms.

Section 34. In sections thirty-four to thirty-eight, inclusive, the term "licensing officer" shall mean the commissioner of public safety. Said commissioner shall issue licenses for theatres, special halls and public halls. He may require such changes in the structural or other condition of any building before issuing any license as in his opinion the public safety requires, but no change shall be ordered in excess of the requirements for a new building of like character. In buildings existing on November first, nineteen hundred and thirteen, and in Boston in buildings in existence on October first, nineteen hundred and forty-three, an equivalent of the conditions required by law may be accepted by the licensing officer; provided, that such equivalents are set forth in detail in the license. The licenses provided for herein shall be conspicuously posted near the main entrance of the theatre, special hall or pub-

lic hall. Licenses for theatres shall expire on September first, for special halls on August first, and for public halls on July first of each year.

Section 35. The licensee shall be responsible, civilly and criminally, for non-compliance with the laws applicable to the theatre, special hall or public hall covered by his license, and for non-compliance with the conditions thereof. The licensing officer shall cause a complete inspection of all theatres to be made once in each month, of special halls and public halls once in every six months, and as much oftener as circumstances may require.

Section 36. Every inspection of theatres, special halls or public halls shall cover all details relating to the condition of the building as regards the safety of life and property. The inspector shall make a signed report as to all such details upon a tabulated inspection blank, the form of which shall be determined by the licensing officer. The forms of such blanks may be adapted to the circumstances of the different classes of buildings, but shall be such as to enable the inspectors to report a rating on the points and in the form hereinafter specified, and shall include a detailed table of legal requirements, with a statement as to compliance or non-compliance with each. All inspectors inspecting theatres, special halls and public halls shall on the first of each week forward to the licensing officer the reports of their inspections of the previous week, and shall rate each theatre, special hall or public hall on the following points in the following form:

- Compliance with existing laws, non-compliance in any particular to be specified.
- 2. The following ratings of each building as to the safety of the audience, in the judgment of the inspectors, in the light of improved methods of insuring safety:

Condition, whether poor, fair, good or excellent.

Remarks:

- Structural condition. Facility of escape of audience. Heating apparatus. b.
- d.
- Water supply. Lighting apparatus.

- Condition of fire apparatus. Condition of sprinklers. Condition of fire resisting curtain. h. Protection against neighborhood hazard. 1.
- General condition of appliances and apparatus. General condition of stage.

Rating as a whole.

With regard to safety of audience.

And such other points as in the opinion of the licensing officer may be suitable. These reports and ratings shall be signed by the inspectors, and shall give the date of the inspection, with such remarks upon the condition of each theatre, special hall and public hall as may be suitable to give notice of danger or to give confidence in the safety of such buildings. After each inspection of a theatre, special hall or public hall, the inspector shall post a notice in conspicuous type, near the main entrance thereof, in the following form:

This theatre (or special hall) (or public hall) has been inspected by inspector (name of inspector) on (date).

Section 37. The full inspection reports of theatres, special halls and public halls shall be kept on file by the licensing officer, but, except as hereinafter provided, shall not be open to examination by the public until the expiration of one month from the time when they were rendered, except with the consent of the licensing officer. Every licensee shall be entitled to examine the full reports of his own building at any time. The licensing officer shall make a full report annually of the condition of all theatres, special halls and public halls, which shall be open to examination by the public at all times. The reports of inspectors shall be public records of matters of public interest; and a fair publication of these reports, or parts thereof, or comment thereon, by any person, in newspapers or otherwise, shall be privileged.

Section 38. A certified copy of all ratings and conclusions of the inspectors in respect to any licensed theatre, special hall or public hall shall be delivered or mailed by the licensing officer to the licensee at the building. If any inspector shall report that the laws or the conditions of the license are not complied with by any licensee, the licensing officer may notify the licensee, fixing a time within which he shall comply with the law and the conditions of the license. If at the expiration of such time there has not been such compliance, the licensing officer shall give a hearing to the licensee; and if upon investigation he shall find that there is cause, he shall revoke the license. The licensing officer may, if in his opinion the public safety requires it, order any theatre, special hall or public hall to be closed pending a hearing upon the revocation of the license, and any person failing to comply with such order shall be punished by a fine of not less than fifty nor more than one thousand dollars.

Section 39. Any licensee may post upon his premises a certified copy of the complete table of ratings and conclusions relating to the theatre, special hall or public hall covered by his license, but he shall not post an incomplete copy of such table.

Section 40. Any person having any duty to perform under this chapter in connection with the licensing or inspection of theatres, special halls or public halls who wilfully makes any false statement or report or any false record of any statement, report or rating as to any such theatre, special hall or public hall shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year.

Section 41. Any officer or person having any duty in any way connected with the inspection of theatres, special

halls or public halls, who requests for himself or another, or accepts or uses any ticket or pass or privilege of admission, or admission, to any theatre, special hall or public hall for which he is to pay or has paid either nothing or a price less than that demanded of the public generally, and any owner, proprietor, manager, lessee, agent or employee of any theatre, special hall or public hall, or any other person who issues, delivers, offers or allows any such ticket, pass, privilege or admission to any such officer or person, or to any other person, at the request, solicitation, procurement or with the commivance of any such officer or person, shall be punished by a fine of not less than one hundred nor more than one thousand dollars.

Section 42. Every public building as defined in section one, except schoolhouses in which public or private instruction is afforded to less than eleven pupils at one time, shall be kept clean and free from effluvia arising from any drain, privy or nuisance, shall be provided with a sufficient number of proper water closets, earth closets or privies, and shall be ventilated in such a manner that the air shall not become so impure as to be injurious to health. If it appears to an inspector that further or different heating, ventilating or sanitary provisions are required in any such public building, in order to conform to the re-quirements of this section, and that such requirement can be provided without unreasonable expense, he may issue a written order to the proper person or authority, directing such heating, ventilating or sanitary provisions to be provided. A school committee, public officer or person who has charge of, owns or leases any such public building, who neglects for four weeks to comply with the order of such inspector, shall be punished by a fine of not more than one hundred dollars. The district health officers or such other officers as the department of public health may from time to time appoint shall make such examinations of school buildings subject to this section as in the opinion of the department the protection of the health of the pu-This section shall not apply to Boston. pils may require.

Section 43. If a building subject to sections fifteen to sixty, inclusive, is owned, leased or occupied, jointly or in severalty, any owner, lessee or occupant may affix to any part of the outside wall of such building any means of egress or of escape from fire specified and described by an inspector, notwithstanding the objection of any other such owner, lessee or occupant; and such means of egress or of escape may project over the highway, or over a right of way for a distance not exceeding one-half the width of the right of way.

Section 44. The keeper of a hotel, boarding or lodging house or family hotel containing one hundred or more sleeping rooms, and being four or more stories high, shall have therein at least two competent watchmen, each properly assigned, and each on duty between the hours of nine o'clock at night and six o'clock in the morning. The keeper of every hotel, boarding or lodging house or family hotel containing fifty or more sleeping rooms, but less than one hundred, and being three stories high, shall have between said hours at least one competent watchman on duty therein. In all such hotels, lodging houses or family hotels, the halls, corridors and stairways shall be properly lighted

at night, and a red light shall be kept during the night at the top and bottom of each flight of stairs; and one or more proper alarms or gongs, capable of being heard throughout the house, shall always remain easy of access and ready for use in every such building to give to the inmates warning of fire. The keeper of every hotel, boarding or lodging house or family botel shall keep a notice satisfactory to the commissioner and descriptive of such means of escape conspicuously posted in every sleeping room.

Section 45. The keeper of any such hotel, boarding or lodging house or family hotel who adopts a system of electric watch clocks which register at the office the movements of the watchman throughout the house, or who adopts a system of thermostats or fire alarm bells in the rooms, or who provides a watchman's watch with key stations, the record of which is kept at the office, shall not be required to maintain more than one watchman in addition to the regular night clerk and porters; provided, that the system or device so adopted or provided is approved by the inspector.

Section 40. The aldermen of any city, and the selectmen of towns may prescribe additional night watch to be kept and further provision for the prevention of fires and for the better protection of life in case of fire to be made by the keepers of hotels, boarding or lodging houses or family hotels within their cities and towns. Whoever neglects or refuses to comply with any provision of this or the two preceding sections shall be punished by a fine of not less than fifty nor more than one thousand dollars.

Section 47. The owner, lessee, proprietor or manager of a hotel which is not otherwise suitably provided with fire escapes, or of a lodging house which contains eight or more rooms above the second story, shall place or cause to be placed a knotted rope, or better appliance, for use as a fire-escape in every room of such hotel or lodging house used as a sleeping room, except rooms on the ground floor. One end of such rope shall be securely fastened to a suitable iron hook or eye securely screwed into one of the timbers next adjoining the frame of a window, or into the frame of a window, of said room, at least five feet from the floor, and the rope shall at all times be kept coiled and exposed to the plain view of the occupant of the room. The coil shall be fastened in such manner as to be easily and quickly loosened and uncoiled. The rope shall contain knots not more than eighteen inches apart, a loop at the end at least three inches in length, shall not be less than one-half inch in dismeter, and shall be of sufficient length to reach from such iron hook or eye to the ground. Such rope, iron hook or eye and fastenings shall be of sufficient strength to sustain a weight of four hundred pounds, and plain directions for the use of such rope or other appliance shall be printed and posted within six inches of the hook or eye to which the rope is fastened.

Section 48. The inspector of buildings of each city and town, if there be any, otherwise such person as the mayor of a city or the selectmen of a town shall designate, shall annually inspect every room of every hotel and lodging house of eight or more sleeping rooms above the second

story in his city or town and ascertain if section fortyseven is being complied with, and shall report the condition of the rope or other appliance to the commissioner of public safety, upon forms to be furnished by him. Whoever violates any provision of this or section forty-seven shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both.

Section 49. A license which is required by law, ordinance or by-law to authorize any building or part thereof to be used as a place of assembly or for any purpose specified in section twenty-one shall not be issued until a license by the commissioner of public safety, or a certificate by an inspector as required by section twenty-eight, shall have been issued therefor, and, when issued, shall not continue in force after the expiration or revocation of such license or certificate.

Section 50. Any person who hinders or prevents or attempts to prevent the commissioner of public safety, the chief of inspections of the department or any inspector from entering any building, structure or enclosure or part thereof in the performance of his duty in the enforcement of the laws of the commonwealth relating thereto shall be punished by a fine of not less than fifty nor more than one hundred dollars. The word "inspector", as used in this section. shall include an inspector of buildings of a city or comport of a district referred to in section three.

Section 51. The owner, lessee, mortgagee in possession or occupant, being the party in control, of a place of assembly, theatre, special hall, public hall, factory, workshop, manufacturing establishment or building mentioned in and subject to sections twenty-one, twenty-four to twenty-eight, inclusive, and thirty shall cause the provisions of said sections relative thereto to be complied with, and such person shall be liable to any person injured for all damages caused by a violation of any of said provisions. No criminal prosecution for such violation shall be begun until the lapse of thirty days after such party in control has been notified in writing by an inspector as to what changes are necessary and must be made to meet the requirements of such provisions, nor if such changes shall have been made in accordance with such notice. Notice to one member of a firm or to the clerk or treasurer of a corporation or to the person in charge of the building or part thereof shall be sufficient notice hereunder to all members of any firm or corporation owning, leasing or controlling the building or any part thereof. Such notice may be served personally or sent by mail.

Section 52. No person shall occupy or use any building or part thereof as a theatre, special hall, public hall, miscellaneous hall or schoolhouse until a license therefor has been issued by the commissioner or a certificate therefor by an inspector, whichever is required under this chapter. A certificate of the inspector, so long as it continues in force, shall be conclusive evidence of a compliance with sections fifteen to sixty, inclusive, for such use of a hall as he shall set forth in the certificate, and shall be conspicuously posted near the main entrance of the hall. It shall be void if a greater number of persons than is therein specified are accommodated or employed, or as-

semble, lodge or reside within such building or part thereof, or if such building is used for any purpose materially
different from the purpose for which it was used at the
time of the granting of the certificate, or if its interior
arrangement is materially altered, or any egresses or means
of escape from fire from such building are rendered unavailable or are materially changed. Violations of this section
or of the conditions of a license or certificate shall be
punished by a fine of not less than twenty-five nor more
than one thousand dollars or by imprisonment for not more
than one year, and the license or certificate may be revoked.

Section 53. Whoever, being the owner, lessee or occupant of any building or part of a building described in section twenty-one, violates any provision of sections fifteen to fifty-two, inclusive, for which no other penalty is specifically prescribed, shall be punished by a fine of not less than fifty nor more than five hundred dollars.

Section 54. Sections fifteen to fifty-two, inclusive, shall, except when otherwise specifically provided, be enforced by the commissioner of public safety, the chief of inspections of the department and the inspectors. The commissioner of public safety shall issue regulations necessary for their uniform enforcement.

Section 55. Any person aggrieved by an order, requirement or direction of an inspector under any of the preceding sections may, within thirty days after the service thereof, appeal to a judge of the superior court for the county where the building to which such order, requirement or direction relates is situated for an order forbidding its enforcement; and after such notice as said court shall direct to all parties interested, a hearing may be had before the court at an early and convenient time and place fixed by it; or the court may appoint three disinterested persons, skilled in the subject matter of the controversy, to examine the matter and hear the parties; and the deci sion of said court, or the written decisions under oath of a majority of said experts, filed in the office of the clerk of courts in said county within ten days after such hearing, may alter, annul or affirm such order, requirement or direction. Such decision or a certified copy thereof shall have the same authority, force and effect as the original order, requirement or direction of the inspector. If such decision annuls or alters the order, requirement or direction of the inspector, the court shall order the inspector not to enforce his order, requirement or direction, and in every case the certificate required by law shall thereupon be issued by said court or by said experts.

Section 56. The court may award reasonable compensation to such experts, to be paid by the county in which the application for an order of the court was made, if the order, requirement or direction of the inspector is altered or annulled, otherwise by the applicant. If the order, requirement or direction of the inspector is affirmed by the court or the experts, costs shall be taxed against the applicant as in civil cases, and shall be paid into the treasury of the said county.

Section 57. The supreme judicial or superior court may,

upon the petition of an inspector, or of an authorized representative of the commissioner, referred to in section three A, temporarily or permanently restrain the erection, construction, alteration, use or occupation of any building or structure in violation of any provisions of sections three to fifty-two, inclusive, or of any ordinance, by-law, rule or regulation, authorized by any of said sections, with the duty of the enforcement of which, under this chapter, said inspector or authorized representative is charged.

Section 58. District courts shall have jurisdiction concurrently with the superior court of prosecutions and proceedings at law under sections three to fifty-two, inclusive.

Section 59. The supreme judicial or superior court may, upon the application of the commissioner, an inspector or an authorized representative, referred to in section three A, enforce, by any suitable process or decree, any provision of sections three to fifty-two, inclusive, and any order or requirement of any person made under authority thereof, which provisions said commissioner, inspector or authorized representative is, under this chapter, authorized to enforce.

Section 60. The supreme judicial or superior court may restrain the illegal placing, maintenance or use of any building, structure or other thing. It may, upon the petition of a city or town or of an inspector of buildings of a district referred to in section three for such relief, require the removal of any such building, structure or other thing by the owner, and may authorize the city or town or such inspector, in default of such removal by the owner, to remove it at the owner's expense. Upon such petition, the defendant shall be presumed to have acted without a license or authority until he proves the contrary.

Section 61. The inspector of buildings in every city and town having such an officer shall give written notice to the assessors thereof, and the inspector of buildings of a district referred to in section three shall give written notice to the assessors of the cities and towns therein, of the granting by him of permits for the construction of any building in such city or town or for any substantial alteration or addition thereto. Such notice shall be given within seven days after the granting of each permit, and shall state the name of the person to whom the permit was granted and the location of the building to be constructed or altered or to which an addition is to be made.

(Sections 62 to 71C, inclusive, are contained in Form H, "ELEVATOR AND ESCALATOR REGULATIONS").

(Sections 72 to 88, inclusive, are contained in Form C, \*LAWS, RULES AND REGULATIONS GOVERNING THE USE OF THE CINE-MATOGRAPH AND SIMILAR APPARATUS FOR THE EXHIBITION OF MOTION PICTURES\*).

# GENERAL LAWS, CHAPTER 22 (as amended by Chapter 522, Acts of 1946)

### BOARD OF STANDARDS

Section 13. There shall be in the department, but not under the control of the commissioner, a board to be known as the board of standards, which shall consist of the chief of inspections of the department, ex officio, who may designate from time to time an inspector in said department to act temporarily in his stead as a member of such board, we the same powers and duties as other members of the board, and seven members to be appointed by the governor, with the advice and consent of the council, for terms of six years each. One shall be a registered architect, one an inspector of buildings as defined in section one of chapter one hundred and forty-three, one a registered professional engineer, one a contractor, one a representative of the building trade unions, one a safety engineer, and one shall be a representative of owners of buildings subject to chapter one hundred and forty-three or a representative of real estate management organizations having control of buildings subject to said chapter. The governor, with the advice and consent of the council, shall from time to time designate one member of said board as chairman. No member shall act as a member of the board, or vote as such, in connection with any matter as to which his private right, distinct from the public interest, is immediately concerned. A majority of said board, constituted as above provided, transact business, but a lesser number may adjourn from time to time. Each member of said board shall be paid twenty dollars for each day while in the actual performance of his duties as such, but not exceeding one thousand dollars in any fiscal year, and shall also receive from the commonwealth all expenses necessarily incurred by him in connection with his official duties. Such clerical, technical and other assistance as may be required by the board shall be assigned to it by the commissioner.

## Chapter 544, Acts of 1943

Section 7A. During the continuance of the existing state of war between the United States and certain foreign countries, and for the period of six months following the termination of such existing states of war, non-compliance with any provision of chapter one hundred and forty-three of the General Laws or of any provision of law inserted or amended by any section of this act, which non-compliance is solely the result of federal law, rule or regulation preventing such compliance, shall not be deemed to be a violation of such provision.

GENERAL LAWS, CHAPTER 148
(as amended by Chapter 546 of the Acts of 1943; and as further amended by Chapter 710 of the Acts of 1945; and as most recently amended by Chapter 363 of the Acts of 1946)

Section 28. The board (Board of Fire Prevention Regulations) shall make such rules and regulations, and the head of the fire department shall make such orders or rules not inconsistent therewith, as may be necessary for the purpose

of preventing or remedying any condition in or about any building, structure or other premises or on any ship or vessel which may tend to become a fire hazard or to cause a fire, but limited, except as otherwise provided, to the following subjects:-

- A. Requiring the keeping of portable fire extinguishers, buckets of water or other portable fire extinguishing devices on any premises by the occupant thereof, and prescribing the number and situation of such devices.
- B. Causing all means of egress and escape from fire, including aisles, stairways and fire escapes, to be kept unobstructed, in good repair and ready for use and otherwise in conformity with the pertinent provisions of section twenty-one of chapter one hundred and forty-three, and, if so required by lawful authority, properly lighted.
- C. The removal of any vessel moored to or anchored near any dock or pier if such vessel is in danger of catching fire, or is by reason of its condition or the nature of its cargo a menace to shipping or other property.
- D. The cleaning of chimney flues and smoke and vent pipes and incinerators, and the installation of spark arresters in incinerators and in chimneys connected with permanent wood-burning furnaces, and the reporting of defective or improper chimneys, flues, amoke pipes, smoke stacks, and the improper installation of heating devices, to the proper authority or authorities for enforcement of the laws relative thereto.
- E. The keeping of covered metal containers as receptacles for waste paper, oily rags and oily waste, and metal containers for ashes.
- F. The use of self-closing safety cans of a type approved by the marshal for the keeping of volatile inflammable liquids.
- G. Prohibiting or regulating the storage in any lot, building, shed, enclosure or other structure, of any empty packing boxes, cases, or barrels in such quantity as to amount to a fire hazard, and regulating the height of piles of lumber in lumber yards.
- H. Prohibiting the fumigation of warehouses, factories or commercial buildings by the use of any volatile inflammable liquid, or any material requiring flame, without a permit from the marshal or the head of the fire department.
- I. Prohibiting or regulating smoking in factories, workshops, mercantile establishments, docks, wharves and warehouses.
- J. Requiring and regulating fire drills for employees of hospitals, theatres and other places of public amusement, and in public and private schools.
- K. Requiring proper safeguards to be placed and maintained about or over roof skylights and about outer or inner courts or shafts at the roof line.

- L. Prohibiting or regulating inflammable decorations in public buildings and places of assembly, as such terms are defined in section one of chapter one hundred and forty-three, and in stores.
- M. Requiring the head of the fire department to report any defective or improper electrical wiring or equipment to the proper authority or authorities for enforcement of the laws relative thereto.
- N. Requiring compliance with section twenty-four of chapter one hundred and forty-three.

# Chapter 546, Acts of 1943

Section 5. During the continuance of the existing state of war between the United States and certain foreign countries, and for the period of six months following the termination of such existing states of war, non-compliance with any provision of this act, which non-compliance is solely the result of federal law, rule or regulation preventing such compliance, shall not be deemed to be a violation of such provision.

## ADDITIONAL LAWS RELATIVE TO THE USE OF CERTAIN BUILDINGS

## GENERAL LAWS, CHAPTER 71

#### **SCHOOLHOUSES**

Section 71. For the purpose of promoting the usefulness of public school property the school committee of any town may conduct such educational and recreational activities in or upon school property under its control, and, subject to such regulations as it may establish, and, consistently and without interference with the use of the premises for school purposes, shall allow the use thereof by individuals and associations for such educational, recreational, social, civic, philanthropic and like purposes as it deems for the interest of the community. The affiliation of any such association with a religious organization shall not disqualify such association from being allowed such a use for such a purpose. The use of such property as a place of assemblage for citizens to hear candidates for public office shall be considered a civic purpose within the meaning of this section. This section shall not apply to Boston.

## MISCELLANEOUS PROVISIONS AFFECTING INSTITUTIONS

### GENERAL LAWS, CHAPTER 123

Section 1. The following words as used in this chapter, unless the context otherwise requires, shall have the following meanings:

"Department", the department of mental health.

"Institution", hospital or other institution, public or

private, under the general supervision of the department.

Section 40. Each institution shall be provided with proper means of escape from fire and suitable apparatus for the extinguishment of fire, and no building shall be erected or maintained at such institution without a written certificate of approval from the building inspector of the department of public safety for the district in which it is to be erected or maintained. Locked doors on buildings housing patients in institutions under the jurisdiction of the department shall not be construed as constituting an obstruction of egress within the meaning of any section of chapter one hundred and forty-three.

GENERAL LAWS, CHAPTER 111
(as amended by Chapter 661, Acts of 1941, and further amended by Chapters 521 and 527, Acts of 1945).

Section 1. The following words as used in this chapter, unless the context otherwise requires, shall have the following meanings:

- "Commissioner", the commissioner of public health.
- "Council", the public health council of the department of public health.

. . . . . . . . . . . . . . . .

\*Department\*, the department of public health.

Section 71. The department shall issue for a term of two years, and may renew for like terms, a license, subject to revocation by it for cause, to any person whom it deems suitable and responsible to establish or maintain a hospital or sanitorium which meets the requirements of the department established in accordance with its rules and regulations; provided, that the local board of health shall first certify to the department that, from its inspection and examination of said proposed hospital or sanatorium, it is suitable for the purpose; and provided, further, that any person aggrieved by the refusal of the local board of health so to certify may in writing appeal to the department, whereupon the commissioner and council shall hold a public hearing and thereafter may modify, affirm or reverse the action of the local board of health. No license shall be issued or renewed hereunder unless there shall be first submitted to the department by the authorities in charge of the hospital or sanatorium, with respect to each building occupied by patients, a certificate of approval of the egresses, the means of preventing the spread of fire and the apparatus for extinguishing fire, issued by a building inspector of the department of public safety. Nothing in this section or in sections seventy-two to seventy-three, inclusive, shall be construed to revoke, supersede or otherwise affect any laws, ordinances, by-laws, rules or regulations relating to building, zoning, registration or maintenance of hospitals or sanatoria. Upon written request by an applicant for or holder of such a license who is aggrieved by the refusal to issue such a license or by the revoca-

tion of such a license, as the case may be, the commissioner and the council shall hold a public hearing after due notice and thereafter may modify, affirm or reverse the action of the department. In no case shall the revocation of such a license take effect in less than thirty days after written notification by the department to the hospital or sanatorium concerned. The fee for the issue or renewal of each license shall be twenty-five dollars. For the purposes of this section and sections seventy-two to seventy-three, inclusive, a hospital or a sanatorium is defined as any institution, whether conducted for charity or for profit, which is advertised, announced or maintained for the express or implied purpose of caring for persons admitted thereto for purposes of diagnosis or medical or surgical treatment which is rendered within said institution, except an institution caring exclusively for cases of mental diseases and licensed by, or under the general supervision of, the department of mental health.



#### APPENDIX B

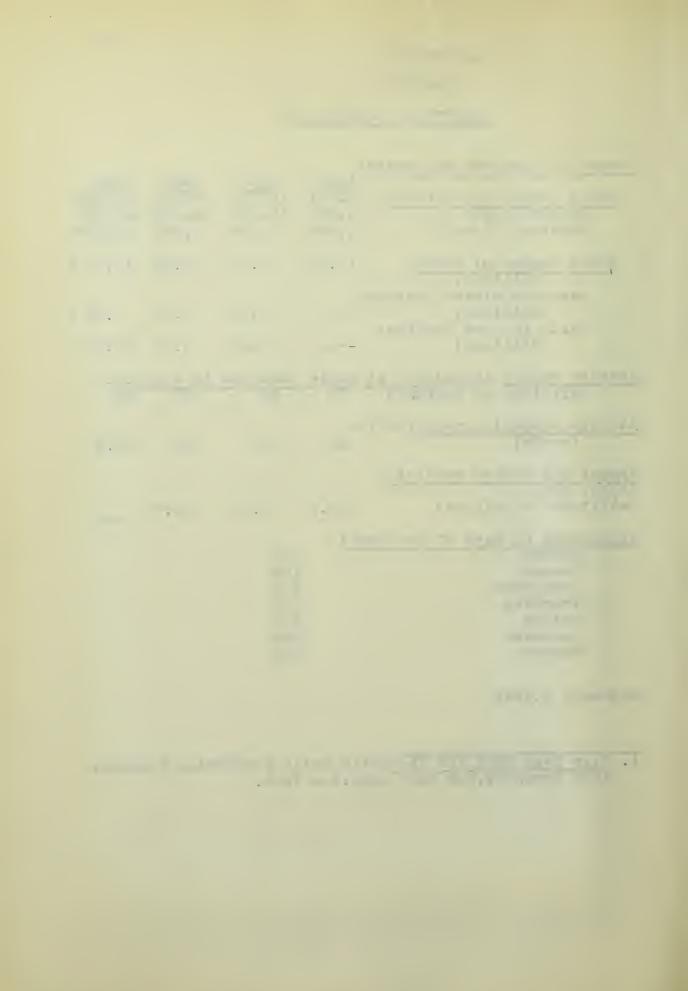
#### EXHIBIT I

# THEATRICAL STATISTICS1

| 1945<br>21,519*<br>19,198* |
|----------------------------|
| -                          |
| 2,321*                     |
| 13.06 *                    |
| .87 *                      |
| 12.19 *                    |
| U.S.<br>95                 |
| 30.5                       |
| 2                          |
|                            |
|                            |

\*January 1,1946

<sup>1.</sup> Film Year Book for 1946, Film Daily Publishing Company, 1501 Broadway, New York City, New York.



#### EXHIBIT B

# INSPECTION REPORT

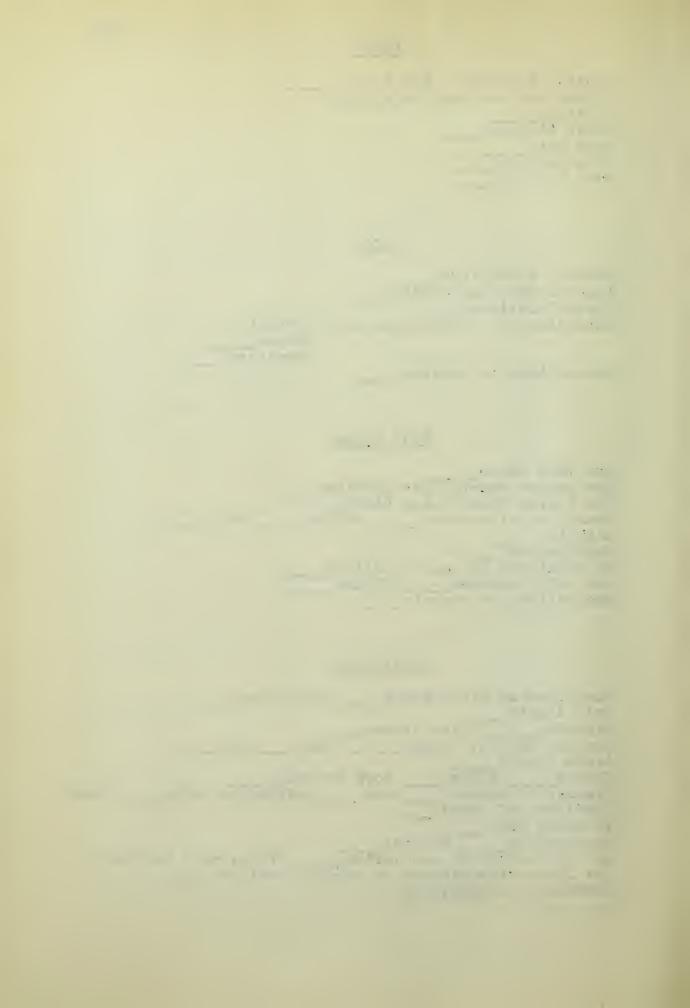
| Time of day theatre is checked  |
|---|
| Day of week   |
| Date  |
|   |
|   |
| FRONT   |
| Cleanliness and attractiveness of paper posters   |
| Style of advertising Lobby service:house artists or:System  |
| Lobby service: house artists or: System   |
| Manner of displaying  |
| Condition of frames  Color scheme of front  Marquee: Style  Lighting  Are neon and lamps clean  Condition of changeable letters  Marquee ceiling load  Wattage used |
| Color scheme of front Condition   |
| Marquee: Style Number of lines of letters   |
| Lighting Are neon and lamps clean   |
| Condition of changeable letters   |
| mai que cerrira road maddago usou   |
| Condition of marquee banner fasteners   |
| Condition of changeable-letter storage racks  |
| Condition of transport carrying cases   |
| Upright light: Style  |
| Lighting  |
| Marquee roof  |
| General appearance of front   |
| General remarks of suggestion   |
|   |
| BOX OFFICE  |
| Cleanliness and upkeep, paint   |
| Inside Outside  |
| Draperies or embellishments   |
| Lighting Ticket machine Condition   |
| Ticket machine Condition  |
| 771.17 1.1  |
| Are proper signs displayed Are signs clean  |
| Are sherves crean and whore   |
| System: good or bad_  |
| Remarks and suggestions   |
|   |
|   |
| STAFF   |
| Manager   |
| Doorman   |
| Cashier   |
| Ushers  |
| Uniforms  |
|   |

<sup>1.</sup> Ricketson, Frank, Management of Motion Picture Theatres, McGraw-Hill Book Company, New York, 1935, p.177



## Lobby

| General appearance and appeal Ticket box and sand jars Lighting_ Other fixtures Door mats Exit devices Door curtains  |
|---|
| Foyer   |
| General appearance  Foyer frames and easels  Foyer furniture  Condition and cleanliness of: Carpets  Drapes  Furniture  |
| Suggestions or remarks  |
| Are they clean  Are proper recepticles provided  Are proper recepticles clean  Condition of carpets drapes walls  Lighting  Ventilation  Is furniture in good condition  Are walls painted floors  Suggestions or remarks   |
| Auditorium  |
| Condition of aisle doors draperies_ Exit lights Lighting color scheme General effect: dingy cool hot Aisle lights Chairs loose torn or worn Floors: Concrete wood painted or oiled clean Condition of carpet Is sound good Ventilation heating Any bad noises in auditorium If so, what and why Are fire extinguishers in proper locations Remarks or suggestions |



#### Orchestra Pit

| OI CHESCIA II C  |
|--|
| Is pit covered how Is organ covered properly Is piano covered Are all stands and chairs properly cared for Is pit clean  |
|  |
| B <u>alcony</u>  |
| Condition of carpets draperies  Exit lights aisle lights  Chairs loose torn or worn  Floors: concrete wood painted or oiled clean  Ventilation heating  Any bad noises in balcony If so, what and why  Are fire extinguishers in proper places  Remarks or suggestions   |
| . Then 2 th as   |
| <u>Exits</u>   |
| Are exit passageways clear and clean Are panic bolts oiled and operating Condition of exit lights Suggestions or remarks   |
| <u>Stage</u>   |
| Is all hangable material hung Is rigging in proper condition Is lighting material properly maintained or stored Is screen clean Are sound horns protected Does asbestos curtain work properly Release automatically Are fire vents working Release automatically Is all stage equipment neatly stored covered Are switchboards marked painted General remarks or suggestions |
| Stage Dressing Rooms   |
| If not used are they cleaned and locked If used are they lighted and clean Are floors painted General comments   |



#### Furnace Room

| Are  | floors   | and   | walls  | clean   | and  | painted |  |
|------|----------|-------|--------|---------|------|---------|--|
| Are  | furnace  | es in | boog 1 | condit  | tion |         |  |
| Is e | quipmen  | it pa | inted  |         |      |         |  |
| Gene | eral rem | narks | and    | com ent | ts   |         |  |

## Janitor's Supply Room

| Is janitor's work apparently good bad           |
|---|
| Type of service: own janitormaintenance company |
| Sufficient supplies carried                     |
| Is equipment good and does it do the work       |
| Are supplies prope ly stored in shelves or bins |
| Are articles hung on racks or hooks             |
| Remarks or suggestions                          |

#### Lamp Cabinet

Who has the key\_\_\_\_\_\_\_Is perpetual inventory kept\_\_\_\_\_\_\_Are lamps kept loose in boxes\_\_\_\_\_\_\_\_Remarks or suggestions\_\_\_\_\_\_\_

### Ticket and Office Supplies

### Manager's Office

| Is room  | clean   | and a | credit | to | our | company |
|----------|---------|-------|--------|----|-----|---------|
| Are file | es lock | ced   |        |    |     |         |
| General  | appear  | nance |        |    |     |         |
| Remarks  |         |       |        |    |     |         |

## Projection Room

| Are | floors | and  | walls   | painte | ed    |     |          |        |     |
|-----|--------|------|---------|--------|-------|-----|----------|--------|-----|
| Are | proper | rece | epticle | s prov | rided | for | carbons, | w ste, | and |
|     | piece  | s of | film    |        |       |     |          |        |     |



## Projection Room (con't)

| Is equipment in good condition Is oil removed from machines            |
|--|
| Are lamp houses clean  |
| Are switches and fuses plainly and clearly marked Is ventilation & ood |
| Are clothes properly stored  |

### Generator Room

| Are floors and walls painted                      |     |
|---|-----|
| Is room well lighted                              |     |
| Are rectifiers checked reg ularly for cleanliness | and |
| clean connections                                 |     |
| Is equipment painted                              |     |
| Are oil drip pans provided                        |     |
| Is excess oil or dirt apparent                    |     |
| Is room will ventilated                           |     |
| Remarks   |     |

## Attic and Roof

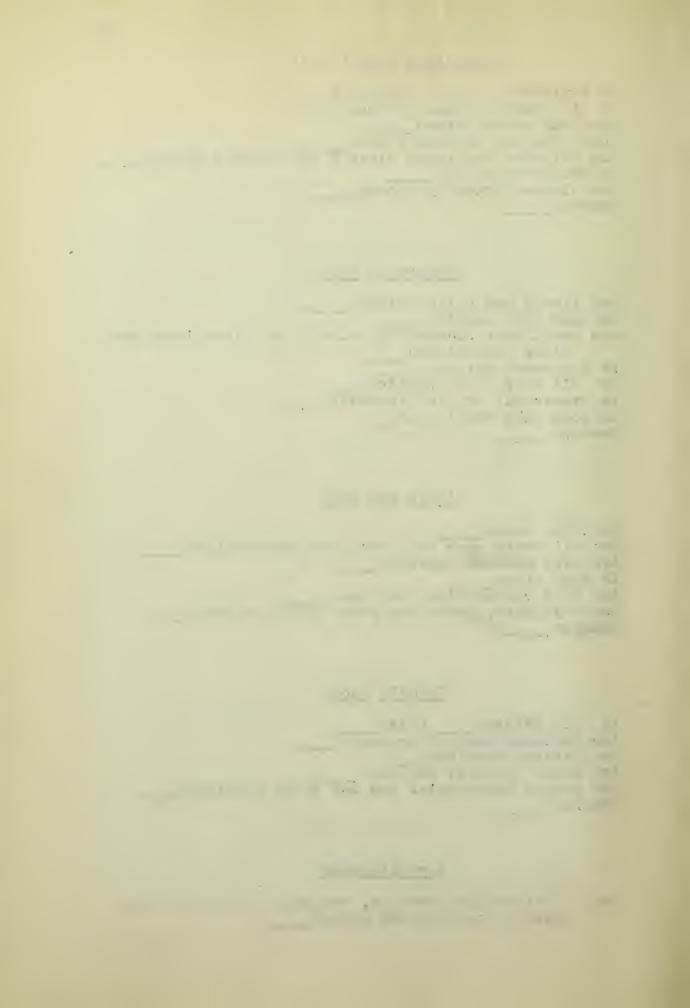
| Ī |
|---|
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|   |
|   |
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|   |

## Usher's Room

| Is room painted clean                         |
|---|
| Are uniforms hung up properly                 |
| Are lockers provided                          |
| Are shoes properly arranged                   |
| Are proper receptacles and ash trays provided |
| Remarks                                       |

### Miscellaneous

Are all electrical devices, switches, starters, etc. properly covered and marked\_\_\_\_\_



## Miscellaneous (continued)

| Are all fire extinguishers properly cared for and refilled  |
|---|
| Are fire hoses properly racked  How often are panic drills held by whom  Do employees discharge extinguishers |
| Is general housekeeping good or bad   |















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